

Appendix B

**Program EIR Scoping Report,
Volumes I and II, March 18, 2011**

Scoping Report

Road and Trail Change-In-Use Evaluation Process Program Environmental Impact Report Volume 1



PREPARED FOR:



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March 18, 2011

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Road and Trail Change-In-Use Evaluation Process Program Environmental Impact Report

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Appendix A – Notice Of Preparation, September 16, 2010

Appendix B – Compiled Comments Resulting from the NOP

1 INTRODUCTION

The California Department of Parks and Recreation (California State Parks) proposes to implement the Road and Trail Change-in-Use Evaluation Process (Program) to facilitate the review of proposals to add or change uses of existing recreational roads and trails in the State Park System. The Program is intended to facilitate consideration of changes in non-motorized uses of existing State Park roads and trails to best accommodate accessibility and recreational activities that are appropriate for each facility. The Program seeks to provide California State Parks with an objective process and evaluation tool to assess proposals to modify roads and trails to add or remove recreational uses.

A Program Environmental Impact Report (PEIR) is being prepared to evaluate the potential environmental effects of the proposed Program. The PEIR is being prepared in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to enable the use of the provisions of Section 15168 of the State CEQA Guidelines to streamline the environmental review of later projects that are consistent with the Program.

California State Parks is the Lead Agency for the Program. A Notice of Preparation was circulated on September 15, 2010 by the Lead Agency to seek input from agencies, organizations and the public to further define the project, develop alternatives, and discuss potential environmental impacts and mitigation measures that should be included in the PEIR. A brief description of the proposed project and the organization and intended use of this scoping report are provided below.

1.1 SUMMARY OF PROPOSED PROJECT AND INTENDED USE OF THE PEIR

This Program applies to decisions that are made for the addition or removal of different types of non-motorized uses and certain motorized accessibility vehicle uses of a State Park System road or trail. These types of use may include: pedestrian, accessible pedestrian, wheelchair, equestrian, mountain bike, road bike, in-line skating, motorized accessibility vehicles that meet State Parks policy standards for enhancing access to designated trails, or other unidentified non-motorized uses not currently recognized as potential road and trail use types. State Parks' policy standards for use of motorized accessibility vehicles on recreational roads and trails will be presented in the PEIR.

Potential project actions that may result from recommendations for a change-in-use type include: reconstruction or rehabilitation of an existing road or trail prism; installation of speed control or separation devices to protect different user types; minor rerouting of trail alignments to correct otherwise unsustainable road and trail grades, or to resolve an existing environmental problem; installation of hardened surfaces, such as, but not limited to, aggregate surfacing, rock armoring, wooden boardwalks or puncheons and bridging; closure, decommissioning, and restoration of existing roads and trails; conversion of roads to trails; and trailhead, point of access, and parking improvements related to changes in recreational road or trail use.

In general, project actions that are eligible for coverage by the Program would involve modifications within the corridor of an existing road or trail. Construction would be limited to the existing disturbed area of the road or trail and adjacent lands.

Any proposed project actions that are taken with regard to trails and roads qualifying for change-in-use as a result of the application of the proposed Road and Trail Change-in-Use Evaluation Process will be required to meet Standard Project Requirements (i.e., environmental protection features) established for trail projects with

the objective of making them as “self-mitigating” as feasible. These Standard Project Requirements have been developed to protect resources and avoid impacts to cultural and natural values that may be affected by any of the road and trail project actions. The complete list of Standard Project Requirements for trails will be included in the PEIR.

Standard Project Requirements include measures to avoid and minimize environmental effects that are incorporated into the design of a project. The requirements can be defined as a result of detailed testing, inventories, studies, and documentation that performed before any surface disturbing activity occur as part of the road or trail modifications approved through the change-in-use process. They also include project construction activities that must be used, such as vegetative removal strategies, dust and erosion abatement techniques, seasonal and soil moisture restrictions for construction, and appropriate resource avoidance methods. The Standard Project Requirements also set inspection and maintenance standards for construction activities on trails to avoid environmental problems associated with earthquake damage, flooding, spill prevention, and storm water pollution prevention.

The Road and Trail Change-in-Use Evaluation Process could be applied to roads and trails in all state parks, state recreation areas, and state beaches of the California State Park System that are owned and/or managed by the state. The analysis will be organized in the context of regionally defined environmental conditions (e.g., soils, habitats) to characterize environmental effects of road and trail change-in-use proposals in the relevant context of different ecosystems and regions. The specific organizing approach will be established in the early stages of PEIR preparation.

The Road and Trail Change-in-Use Evaluation Process EIR is a Program EIR under Section 15168 of the State CEQA Guidelines. Later activities that are consistent with the program evaluated in this EIR can benefit from streamlining of the CEQA process. Because new site-specific actions are proposed in park units under this Program, District personnel of California State Parks will use a checklist to document the evaluation of the site and the actions proposed to determine whether the environmental effects are covered in this PEIR. If the evaluation process confirms that no new effects would occur and that no additional mitigation measures would be necessary, California State Parks can approve the actions as being within the scope of the PEIR, and no new environmental document would be required. If additional significant impacts not addressed in this PEIR are identified, they will be evaluated in later, project-specific CEQA documentation, in accordance with the State CEQA Guidelines.

1.2 ORGANIZATION AND INTENDED USE OF THIS SCOPING REPORT

This scoping report is organized into chapters, as identified and briefly described below.

Chapter 1, “Introduction”: Chapter 1 summarizes the proposed project and describes the organization and intended use of this scoping report.

Chapter 2, “NOP Comments”: Chapter 2 provides review and assessment of NOP comments and recommendations for incorporation of comments into the PEIR.

Chapter 3, “Program EIR Preparation Guidance”: Chapter 3 describes information needed to complete the PEIR sections, a list of studies needed to support the PEIR, anticipated schedule for the PEIR, and outline and summary of sections/topics to be addressed in the PEIR.

Chapter 4, “References and Attachments Provided in NOP Comment Letters”: Chapter 4 contains a compiled list of references and attachments that were provided in NOP comment letters.

Appendices: The appendices contain the NOP (Appendix A), NOP comment letters (Appendix B), and other documentation used for preparation of the scoping report.

2 NOP COMMENTS AND TOPICS RECOMMENDED FOR THE PEIR

Public comments submitted during the Notice of Preparation (NOP) circulation period are summarized and assessed in this section of the Scoping Report. Also, the list of environmental issues to be included in the PEIR based on the scoping comments is described. Please note that the PEIR will address the full scope of environmental issues, so it will not be limited to the topics raised in the scoping process.

The following discussion provides a review and assessment of the environmental issues raised in comments on the NOP. Comments are related to specific letters by the letter number and page number (See Appendix B for numbered comment letters). The commentary is organized by topic. Where a response to a comment is appropriate to clarify how the PEIR will address a topic, it is presented in parentheses.

2.1 PROJECT DESCRIPTION

A commenter asks if mitigation monitoring or review of mitigation impacts related to proposed *Standard Project Requirements* will be conducted and whether the testing, studies, inventories, and documentation to be used in development of the Standard Project Requirements will be reviewed by the public (Letter O-5, page 2). (As stated in the NOP, the complete list of Standard Project Requirements will be included in the PEIR. Therefore, these Standards will be subject to environmental review. Monitoring approaches will also be explored in the PEIR.)

A commenter asks if the Program would impact or supersede other agency authority over land use within their jurisdiction (Letter O-5, page 7). Interagency processes would need to be defined in the PEIR. Commenter suggests adoption of specific standards for determining the suitability for use by specific groups and for multi-use. Criteria should be established for determining when a trail is suitable for use by specific groups and for multi-use. Such criteria would include trail width, grade, sight lines and steepness of adjacent terrain (Letter I-7, page 1).

Some commenters state that there is inequity in the number of miles of trails allocated and ratio of trail users to various user groups (Letter O-9, page 3; Letter O-11, page 1; Letter O-1, page 1).

2.1.1 TRAIL USE CHANGE SURVEY AND PROGRAM CHECKLIST

Several commenters offered suggestions about how to improve the survey checklist or questions about the appropriate use of the survey. A commenter asks if the Program checklist will be made available for public review during the PEIR process (Letter O-5, page 4).

The Bay Area Ridge Trail Council recommends some additions to the draft Trail Use Change survey evaluation criteria list: #2) Compatibility: add “Is the trail part of a regional trail route that supports additional uses in other jurisdictions?”; and #3) Effects to Circulation Patterns: add “Does the change close a “use gap” in a longer, regional trail?” (Letter O-10, page 3).

The Marin Conservation League recommends that State Parks should not rely solely on the current trail use change survey procedure for CEQA-compliant review of an individual project because it does not provide the analytical support for identifying potentially significant impacts or specific mitigation to reduce impacts to less

than significant. As an example, the commenter states that for the Bill's Trail project, the survey failed to identify its location within designated critical habitat (Letter O-13, page 2).

One commenter states that The Trail Use Change Survey refers to evidence of "unauthorized trail use", Section 2.4. , and it is not clear how this information will be used and interpreted. Commenter states that there can be many reasons for unauthorized trail use by mountain bikers, including cyclists being arbitrarily excluded from trails, failure to provide desired trails, or the need for more legitimate trail access. In most cases, unauthorized trail use will not be diminished unless the root causes are identified and dealt with in a constructive manner (Letter O-9, page 3).

2.1.2 DESCRIPTION OF PROJECTS ELIGIBLE FOR THE CHANGE-IN-USE PROCESS

A number of commenters ask how projects would be evaluated under the PEIR and request that Program methodology and its limitations be described in detail.

A commenter asks if there will be a maximum distance within which a change to adjacent lands can be made under the Program, specifically as it relates to minor rerouting under the Program (Letter O-5, page 2). (The PEIR will define parameters and guidance under the Program for any proposed actions taken on adjacent lands within a trail corridor.)

Based on an observation that the bioregions are not intended to provide homogeneous policies throughout their individual reaches, the commenter suggests that the PEIR project description include a discussion of the limitations to organizing impacts and mitigation measures by the 10 bioregions (Letter O-5, page 3).

A commenter asks how uses appropriate for a road or trail are determined (Letter O-5, page 1). (This process will be outlined in the PEIR.)

One commenter asks that CEQA exemptions be preserved for routine maintenance by providing clear differentiation between maintenance and major realignment or upgrade (Letter O-10, page 3).

Commenter states that the PEIR needs to make it very clear how specific projects will be evaluated and what the noticing requirements will be and how they will be implemented under the Program. Several commenters request that the noticing requirements be expanded beyond CEQA requirements (e.g., allow organizations and individuals to register with State Parks for e-notification of pending change-in-use projects) and State Parks website (Letter O-13, pages 2 and 3; Letter O-3, page 1; Letter O-4, page 1).

A commenter suggests that a comprehensive description of the overall action be provided with a glossary to support it. This could be portions of the State Park's "Trail Handbook" as an appendix that provides the types of trail and road modification needed for a change-in-use (Letter O-13, page 3).

2.2 ENVIRONMENTAL IMPACTS AND MITIGATION (GENERAL)

Several commenters made general suggestions on how to approach environmental impacts and mitigation in the PEIR.

A commenter requests that the PEIR either append a list of BMPs or otherwise incorporate them as specific mitigation measures (Letter O-13, page 4).

Commenter states that trail use changes themselves may mitigate certain impacts. For example, opening a trail for additional uses may allow for more visitors to have direct park access without the need for a vehicle (Letter O-10, page 3).

Commenter states that evaluation of environmental impacts of additional trail users, or the environmental impact of allowing a different class of trail users should focus in part, on the per capita impact. For example, the document should discuss whether an individual mountain biker has a greater impact on the trail/environment than an individual hiker (Letter O-11, page 1). Some bicyclist organizations commented that the Program analysis should take into account the number of trail miles in a given park unit and whether they are proportionately allocated to users based upon the size of the user group (Letter O-9, page 3; Letter O-11, page 1; Letter O-1, page 1).

A commenter asks if the PEIR will address NEPA issues or processes for joint state and federal approvals (Letter O-5, page 7).

More specific comments related to impacts and mitigation are grouped by resource area or topic below (Section 2.2 through 2.18 of this document).

One commenter asks how CEQA Guideline Section 15131 will be addressed in the Program or PEIR (i.e. will only environmental effects be assessed, or will it include social factors and public safety, or economic factors and ability to fund policing and management of trails (Letter O-5)). Although CEQA Guidelines Section 15131 states that 'economic or social effects of a project may be used to determine the significance of physical changes caused by the project', it is our opinion that a change-in-use of a State Park road or trail would not result in a social or economic impact that could lead to a finding of significance under CEQA (ex. divide an existing community), mainly because these roads and trails are located within established recreational areas instead of existing neighborhoods and communities.

2.3 AIR QUALITY

No substantive comments related to air quality were provided in the NOP comment letters.

2.4 GREENHOUSE GAS/CLIMATE CHANGE/ENERGY RESOURCES

A commenter asks to what extent the Program could increase greenhouse gases or otherwise promote climate change (Letter O-7, page 1). Another commenter refers to projected rises in sea-level and the need for planning associated with safety of fills and sea level rise. Commenter also states that the DEIR should discuss climate change impacts such as inundation and its impacts on other resources (i.e. biological resources, transportation, hydrology, water quality, hazards, cultural resources, utilities, and public services) and aim to address both mitigation and adaptive measures (Letter S-1, page 2).

2.5 TERRESTRIAL BIOLOGICAL RESOURCES

One commenter asks how the need for resilient habitat, given global warming, will be discussed in the PEIR (Letter I-10, page 1).

One commenter provides research related to potential trail and trail use impacts and management implications on vegetation and wildlife (Letter O-11, pages 2, 6, & 7).

A commenter lists examples of impacts to vegetation, wildlife, and habitat made by various user groups on trails (i.e. walkers, joggers, equestrians, and mountain bikers), varying in degree based on personal observation and anecdotal evidence (Letter O-13, pages 3 & 4):

- ▲ vegetation trampling and compaction of leaf litter and soil;
- ▲ soil loss through rutting and erosion, with consequent sedimentation of waterways;
- ▲ loss of both herbaceous and brittle woody plant species near trails;
- ▲ habitat disturbance and trail “widening” due to wandering off trail or cutting corners;
- ▲ habitat fragmentation (widening trail impedes movement and dispersal of animals that are reluctant to cross exposed openings);
- ▲ habitat disturbance from noise and the presence and motion of users (e.g., decreased nesting near trails, altered bird species composition near trails, and increased predation of nests by animals using the trail as corridor);
- ▲ introduction of exotic and weedy species from foot traffic, bicycle tires, and horse manure (trails are natural conduits for movement of exotic species);
- ▲ nutrient enrichment from horse manure and urine that could favor invasive so fweedy species along horse trails; and
- ▲ direct loss off small or slow-moving wildlife such as small rodents and reptiles by rapid moving bicycles (“road kill”).

2.6 AQUATIC BIOLOGICAL RESOURCES

No substantive comments related to aquatic biological resources were provided in the NOP comment letters.

2.7 GEOLOGY, SOILS AND MINERALS

Potential impacts to geology and soils as a result of the Program that are referenced by some commenters include soil compaction, erosion, and loss of soil structure (Letter O-9, page 4; Letter O-2, page 2; Letter O-11, pages 3 through 5). Another commenter provides research related to potential trail and trail use soil impacts and management implications (Letter O-11, pages 3 through 5).

2.8 HYDROLOGY, WATER QUALITY, AND SEDIMENTATION

Some commenters state concern that opening trails to more trail user groups and users may create ruts in existing trails that could result in sedimentation to adjacent water bodies (Letter O-9, page 4; Letter O-2, page 2). Another commenter provides research related to potential trail and trail use impacts on water resources and management implications (Letter O-11, pages 3 through 5).

2.9 CULTURAL RESOURCES

No substantive comments related to cultural resources were provided in the NOP comment letters.

2.10 HAZARDS AND HAZARDOUS MATERIALS

Comments related to trail use safety are summarized in this section of the Scoping Report. No substantive comments were received related to other hazards or hazardous materials.

A commenter asks if, in addition to environmental protection features, the “Standard Project Requirements” will include safety provisions (Letter O-5, page 2).

Some commenters state concern that displacement of traditional trail users will occur due to safety concerns (i.e. mountain bike use is opened on hiking and/or equestrian use trails) (Letter O-6, page 1 & 2). One commenter provides a statement on safety considerations for multi-use trails from California Equestrian Trails and Land Coalition (CET&LC) and requests these recommendations be considered for inclusion in the Program requirements for all trails (Letter O-5, Exhibit G).

CET&LC requests that if mountain bike use is to be added to any equestrian and/or hiking trail, mitigation must include speed limits, safety practices, and effective enforcement which would also serve the collateral benefit of preventing associated environmental damage (Letter O-5, page 5). CET&LC requests that their safety guidelines be considered as a template in development of safety requirements to be included in the Program (Letter O-5, Exhibit G). The commenter states that because these safety guidelines both provide for public safety and define mitigations which will reduce consequent and related environmental damage, these safety guidelines should be consistent with CEQA guidelines 15126.4(a)(2) as it relates to the full enforceability of mitigation measures. The commenter states that reckless mountain bikers are a significant safety problem for equestrian users and that there is a lack of enforcement of rules on trail use or formalized reporting and recording of incidents. The commenter recommends that the PEIR address these issues with mitigation measures (Letter O-5, page 5).

The commenter also references CEQA Guideline 15126.2(a) and relates it to why the PEIR analysis should consider significant health and safety problems caused by a physical change (e.g., inclusion of bikes on a trail), impacts of bringing new users onto a trail (i.e. new users=more users), and scenic quality impacts (Letter O-5, pages 5-6).

The commenter states that the speed and behavior of problem bikers have an indirect and cumulative effect, under CEQA, of damaging existing trails and parkland environments. Commenter also states that problem bikers create a threatening and frightening experience on the trail for other users instead of a relaxing and serene experience. The commenter then states that these are significant social and environmental effects as described in CEQA Guideline 15126.4 and 15126.2. The commenter states that mitigating for these issues is best accomplished by preventing the speed and behavior of problem bikers with enforced time, place, and manner of use restrictions, or not authorizing trail use for bikers on equestrian use trails under the no project alternative (Letter O-5, page 6).

Another commenter states that the PEIR should spell out the road and trail performance standards that are necessary to ensure safety and minimize user conflicts (Letter O-13, page 5).

With respect to potential trail safety and user conflict, potential trail measures were suggested by a commenter and are listed below (Letter I-11, page 1 & 2):

1. Trail tread widening. This practice may enhance rides, but may increase damage and habitat fragmentation (Letter I-11, page 1 & 2).
2. Riding up the up-hill slope to reduce or “shave” bike speed that results in increases environmental damage to the slope. Armoring the slope makes clear that secondary impacts follow from this practice. Speed differential between bicyclists and other trail users has been repeatedly reported by the public and members of the California Trails Committee as reflected in their publicly available meeting minutes. It is a key safety and resource impact. Speed also can cause environmental damage because bicycle

uses/users often occupy the center of the trail, travel in groups, and have difficulty staying on the trail tread when the trail steepness causes high speeds (Letter I-11, page 1 &2).

3. "Before-and -after" assessment. If a before-and-after assessment had been conducted on the Tapia Spur trail in Malibu, for example, it would have demonstrated displacement and serious safety issues to other uses arising from added mountain bike use (Letter I-11, page 1 &2).
4. Acceptance of user experience reports. In discussing user conflicts, the argument that official reports or scientific data are required to establish the existence of user conflict must be set aside. The environmental preparer should not ignore the written decision of Ninth Circuit Court of Appeals which held, in its finding in favor of the Defendant Babbitt, that:

"Individual comment is a very persuasive indicator of "user conflict," for determining the existence of conflicts between humans cannot be numerically calculated or counted; rather, the existence of conflict must be evaluated. The court can envision no better way to determine the existence of actual past or likely future conflict between two user groups than to hear from members of those groups." (Bicycle Trails Council of Marin v. Babbitt, 82F. 3d 1445, Court of Appeals, 9th Circuit, 1996) Emphasis added.

The Court of Appeals accepted user experience as an indicator of conflict. State Parks is well positioned to follow the Court's opinion (Letter I-11, page 1 &2).

5. Minimum sight distance. Commenter states that a minimum sight distance threshold requirement is needed for trails that are narrow and/or have blind corners to ensure they are not opened to unsafe trail uses (Letter O-2, page 2). Another commenter references safety concerns associated with blind curves and switchbacks on narrow trails (Letter O-5, Exhibit G, Page 2).
6. Use of trail conflict research. Findings from research conducted by Jacob & Schreyer, Roger Moore, Jennifer Hoyer & Deborah Chavez found that: 1) Conflicts can occur among different user groups, within the same user group, and due to factors unrelated to trail activity; 2) Conflict can be felt or perceived even when there is no actual contact between trail users; 3) Conflict can be seen as a difference between perceived "low impact" passive users and "high impact" aggressive users; 4) User conflict is a matter of perception and varies from person to person (Letter O-9, page 2).
7. Trail management techniques. Trail use conflicts can be reduced with trail management techniques such as 1) Information and education; 2) Signs; 3) Setting appropriate expectations for trail users; 4) Paid and volunteer trail patrols; 5) Peer education on proper trail behavior; 6) User involvement and partnerships; 7) Trail advocacy groups; 8) User group coalitions; 9) Volunteer trail work; 10) Shared-use events; and 11) Designing trails in a way that manages speed (Letter O-9, page 2).
8. Examples of measures that can be implemented to manage safety on trails include the following (Letter O-9, page 5 & 6):
 - ▲ Provide public education on proper trail etiquette
 - ▲ Provide trail yield instruction signs at all multi-use trailheads
 - ▲ Provide directional signage
 - ▲ Conduct multi-use trail workshops
 - ▲ Conduct horse desensitization sessions

- ▲ Work with bike shops, schools, clubs, and outdoor stores to promote low impact riding.
- ▲ Park trailhead interpreters to pass out information on proper trail behavior
- ▲ Mobilize bike-equestrian patrols
- ▲ Increase staff patrol
- ▲ Cite violators of trail regulations
- ▲ Design trails for speed control (narrow trails, pinch points, obstacles, rough surfaces)
- ▲ Design trails for safe passing (strategically placed widened areas, pull out zones)
- ▲ Line of sight modifications
- ▲ Re-route trails
- ▲ Build new trails
- ▲ Alternate use restrictions, i.e. bikes one day, horses and walkers another day
- ▲ Alternate use by time of day
- ▲ Adherence to trail maintenance schedules
- ▲ Adopt-a-trail for maintenance by volunteers
- ▲ Require cyclists and equestrians to wear helmets
- ▲ Disperse use by opening more trails
- ▲ Separate trailheads for a central trail system
- ▲ Partnerships and MOUs with user groups
- ▲ Promote multi-use events, i.e. barbecues, poker rides, trail building, volunteer celebrations
- ▲ Use walk your bike zones
- ▲ Create multi-use trail advisory committees
- ▲ Designate “high speed” trails and “low speed” trails
- ▲ Use “stacked loop” trail system design to disperse users
- ▲ Keep trails narrow to slow users and reduce environmental impact
- ▲ Prohibit off trail travel
- ▲ Design trails with sustainable grades
- ▲ Use a trail permit/pass system to control trail carrying capacity (permits issued according to proportional size of user group)
- ▲ Deploy rangers on bikes and horses in parks.
- ▲ Close trails to horses when other less drastic measures have failed
- ▲ Close trails to bikes when other less drastic measures have failed

2.11 AESTHETICS AND VIEWS

A few commenters refer to analysis of visual effects of the Program (Letter O-5, page 8 & 117; Letter O-13, page 4; Letter O-13, page 4). Specific topics raised include the following:

- ▲ Because the desired trail experience differs among user groups; therefore, impacts will be perceived differently. To the extent possible, the PEIR should describe desired aesthetic experience of different user groups (Letter O-13, page 4).
- ▲ Aesthetic impacts will vary with specific conditions of a site (Letter O-5, page 8).

2.12 TRANSPORTATION

A commenter states that secondary and cumulative impacts from more parking space demand at trail heads to accommodate added uses will be an impact (Letter I-11, page 2).

2.13 NOISE

No substantive comments were provided related to noise impacts that would result from change-in-use.

2.14 POPULATION AND HOUSING

No substantive comments were provided related to population and housing impacts from change-in-use.

2.15 PUBLIC SERVICES AND UTILITIES

No substantive comments related to public services and utilities were provided in the NOP comment letters. Refer to 'Security and Emergency Preparedness' below for comments related to police and ambulance service.

2.16 SECURITY AND EMERGENCY PREPAREDNESS

Commenter states that because the State does not have the money or staff to police destructive bikers, and that the environmental consequences associated with problem bikers includes significant impacts to plants, animals, habitats, erosion, visual resources, and the experience for other users (Letter O-5, Exhibit D-H). Commenter suggests that mitigation for such impacts could include more funds for enforcement and patrolling, significant penalties, or the requirement of bikers to obtain a license or be visually identifiable (ex. wear a number on trails or affix an easy to read license plate to their bike) on State trails (Letter O-5, page 7). Commenter states that rescue and medical costs should be examined in the PEIR. The public likely bears the cost of the consequences of mountain bike accidents even though they may be predominantly single user accidents (Letter I-11, page 2).

2.17 CUMULATIVE

Commenter state that cumulative impacts on special-status species must be addressed. This will be addressed in the PEIR (Letter O-7, page 3).

2.18 ALTERNATIVES

A commenter requests including an alternative provided that strikes a balance between user demands, environmental protection, mitigation and allocation of park resources. The scope of the alternatives might consider: 1) Evaluating the ratio of miles of trails to the size of the user group. For example, crowding of one large user group on a small number of trails may lead to higher impacts. Dispersing use may relieve some of these impacts. 2) Defining a trail so that the desired experience is provided. For example, agree that a fire road is not a trail (but can link single track experiences together) and that a narrow trail may have fewer environmental consequences than a larger road. 3) Inventorying trail systems so that park units can identify environmental degradation, barriers, gaps in demands, and implement remedies (Letter I-14, page 2).

3 PEIR PREPARATION GUIDANCE

3.1 IDENTIFICATION OF INFORMATION NEEDS AND STUDIES NEEDED TO SUPPORT THE PEIR TO COMPLETE THE PEIR SECTIONS

Three technical studies have been approved to address key issues and build a foundation for the PEIR.

3.1.1 TRAIL USE CONFLICT AND SAFETY ASSESSMENT

Investigate field records, existing studies, and available data regarding trail use conflicts between different types of users (i.e., hikers, equestrians, mountain bikers, and motorized accessibility users) on California State Park trails and other California and U.S. multiple use trails. The purpose of the assessment will be to develop factual evidence about the nature, frequency, social issues, and safety consequences of trail use conflicts for use in the PEIR trail use conflict section and to critique existing studies for objectivity (including identifying the author and sponsor, where known) and whether they address solutions related to design or management programs (such as speed controls, sight distance, or etiquette-promoting programs). The work product would be a stand-alone assessment that could be used as an appendix from which the EIR section would be prepared. Attend a workshop in Sacramento to discuss and get feedback on preliminary findings. (Alta Planning and Design/Greenways)

3.1.2 ROAD AND TRAIL CHANGE-IN-USE EROSION POTENTIAL AND CONTROL PRACTICES FOR MAJOR SOIL TYPES

Evaluate approaches to geographically organizing erosion vulnerability characteristics that would be potentially viable for use in evaluating environmental impacts of the road and trail change-in-use process. Evaluate the differences in erosion potential for major soil types and meteorological conditions relevant to road and trail change-in-use projects expected from the proposed process for the purpose of organizing the PEIR impact analysis and refining management practices to control erosion. The approach should be practical for Districts to use in evaluating and defining management responses for their projects as part of the change-in-use process. The work product would be a stand-alone appendix to the PEIR and would inform the environmental setting and impact analysis of the PEIR. Attend a workshop in Sacramento to discuss and get feedback on preliminary findings. (Pacific Watershed Associates)

3.1.3 ECOSYSTEM-BASED ORGANIZATION OF ROAD AND TRAIL CHANGE-IN-USE PROJECT IMPACTS

Evaluate approaches to geographically organizing ecosystem characteristics that would be potentially viable for use in evaluating environmental impacts of the road and trail change-in-use process. These will include, but not necessarily be limited to, California Biodiversity Council Bioregions (10), California Wildlife Action Plan regions (8), geomorphic provinces (13), and landscape provinces (9). Based on the evaluation of the advantages and disadvantages of different approaches, a preferred approach will be selected in coordination with State Parks and an ecosystem setting description suitable for inclusion in the PEIR will be prepared with accompanying maps. Attend a workshop in Sacramento to discuss and get feedback on preliminary findings. (Ascent Environmental)

3.2 PRELIMINARY PROJECT SCHEDULE FOR PEIR

The following table outlines the schedule anticipated for completion of the PEIR.

Project Task/Milestone	No. of Weeks after Notice to Proceed	Schedule Assumptions for Lead Agency/Applicant Tasks
Notice to Proceed	0	
Kick-off Meeting	1	
Receive project info and technical studies	2	
Submit detailed project description to State Parks	4	
	6	2-week review of detailed project description
Submit ADPEIR to State Parks	12	
	15	3-week review of ADPEIR
Submit Screencheck DPEIR to State Parks	17	
	19	2-week review of Screencheck DPEIR
DPEIR public release	22	
DPEIR public hearings (2)	26	
DPEIR Public Review Period Closes	28	
Submit Administrative Final PEIR and draft MMRP to State Parks	34	
	38	4-week review of Administrative Final PEIR
Publish Final PEIR	40	
Submit Findings of Fact, Statement of Overriding Cons, MMRP	41	
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3.3 PRELIMINARY OUTLINE OF THE PEIR

The preliminary outline of the PEIR is presented below. This outline may be revised as the environmental evaluation is completed for the Draft PEIR.

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4 REFERENCES AND ATTACHMENTS PROVIDED IN NOP COMMENT LETTERS

The following is a list of attachments, websites, and citations that were provided in various comment letters. These attachments and references will be reviewed and, as appropriate, some of these resources may be used in the PEIR environmental analysis.

NOP Comment Letter O-5:

References <http://biodiversity.ca.gov/mou.html> ; Memorandum of Understanding: California's Coordinated Regional Strategy to Conserve Biological Diversity, "*The Agreement on Biological Diversity*," September 19, 1991

B. Draft Questionnaire.

C. Bioregions of California, Biodiversity Council.

D. Impact of Mountain Biking - Palos Verdes Nature Preserve, compiled by Lynn Brown.

E. Article "Trail Wars at Annadel State Park" dated July 6, 2010

F. Summary of personal reports of incidents involving bikers, compiled from Park Watch.org

G. CET&LC Safety Considerations for Multi-use Trails.

H. Motion to Intervene, Lake Oroville Relicensing, Federal Energy Regulatory Commission, March 31, 2006

NOP Comment Letter O-9:

For additional consideration of trail conflict and the research conducted on its causes and solutions, please refer to the following sampling of studies:

- ▲ Hoger & Chavez (1998). Conflict and management tactics on the trail. *Parks & Recreation*, 33(9), 41-49.
- ▲ Moore, (1994). *Conflicts on Multiple-Use Trails: Synthesis of Literature and State of Practice*. Washington, D.C.: Federal Highway Administration.
- ▲ Ramthum (1995). Factors in user group conflict between hikers and mountain bikers. *Leisure Sciences*, 17(3), 159-170
- ▲ Schneider (2000). Revisiting and revising recreation conflict research. *Journal of Leisure Research*, 32(1), 129-132.
- ▲ Vaske, Donnelly, Karin & Laidlaw (1995). Interpersonal versus social-values conflict. *Leisure Sciences*, 17(3), 205-222

Some examples of research conducted that compare the effects of bicyclists with other trail users:

- ▲ Marion & Wimpey, (2007). *Environmental Impacts of Mountain Biking: Science Review and Best Practices*. Originally published in *Managing Mountain Biking: IMBA's Guide to Providing Great Riding* (2007).
- ▲ Bjorkman, Alan. 1996. *Off Road Bicycle and Hiking Trail User Interactions: A Report to the Wisconsin Natural Resources Board*. Wisconsin Department of Natural Resources: Bureau of Research.

- ▲ Chiu, Luke and Kriwoken, Lorne. Managing Recreational Mountain Biking in Wellington Park, Tasmania, Australia. *Annals of Leisure Research*, (in press).
- ▲ Crockett, Christopher S. 1986. Survey of Ecological Impact Considerations Related to Mountain Bicycle Use on the Edwards Field Trail at Joseph D. Grant County Park. Santa Clara County (CA) Parks Department.
- ▲ Gander, Hans and Ingold, Paul. 1996. Reactions of Male Alpine Chamois *Rupicapra r. rupicapra* to Hikers, Joggers and Mountainbikers. *Biological Conservation* 79:107 - 109.
- ▲ Goeft, Ute and Alder, Jackie. 2001. Sustainable Mountain Biking: A Case Study from the Southwest of Western Australia. *Journal of Sustainable Tourism* 9(3): 193 - 211.
- ▲ Herrero, Jake and Herrero, Stephen. 2000. Management Options for the Moraine Lake Highline Trail: Grizzly Bears and Cyclists.
- ▲ Papouchis, Christopher M. and Singer, Francis J. and Sloan, William. 2001. Responses of Desert Bighorn Sheep To Increased Human Recreation. *Journal of Wildlife Management* 65(3): 573 - 582.
- ▲ Spahr, Robin. 1990. Factors Affecting The Distribution Of Bald Eagles And Effects Of Human Activity On Bald Eagles Wintering Along The Boise River. Boise State University.
- ▲ Taylor, Audrey R. and Knight, Richard L. 2003. Wildlife Responses to Recreation and Associated Visitor Perceptions. *Ecological Applications* 13(4): 951 - 963.
- ▲ Thurston, Eden and Reader, Richard J. 2001. Impacts of Experimentally Applied Mountain Biking and Hiking on Vegetation and Soil of a Deciduous Forest. *Environmental Management* 27(3): 397 - 409.
- ▲ Weesner, Meg. 2003. Cactus Forest Trail Environmental Assessment, Saguaro National Park, Arizona, National Park Service.
- ▲ Wilson, John P. and Seney, Joseph. 1994. Erosional Impacts of Hikers, Horses, Motorcycles and Off-Road Bicycles on Mountain Trails in Montana. *Mountain Research and Development* 47(1): 77 - 88.

NOP Comment Letter O-11 attachments/links:

Environmental Impacts of Mountain Biking: Science Review and Best Practices.

<http://www.imba.com/resources/research/trail-science/environmental-impacts-mountain-biking-science-review-and-best-practices>. By Jeff Marion and Jeremy Wimpey. 2007. Also provided as attachment in Comment Letter O-11.

<http://www.imba.com/resources/research/environmental-impacts>

<http://www.imba.com/resources/research/trail-science/environmental-impacts-mountain-biking-science-review-and-best-practices>

NOP Comment Letter I-14:

www.americantrails.org (provides information on environmental impacts caused by various user groups)

Scoping Report

Road and Trail Change-In-Use Evaluation Process Program Environmental Impact Report Volume 2 - Appendices



PREPARED FOR:



California Department of Parks and Recreation
Northern Service Center
One Capitol Mall, Suite 410
Sacramento, California 95814

March 18, 2011



Road and Trail Change-In-Use Evaluation Process

Scoping Report for the Program Environmental Impact Report Volume 2 Appendices

Prepared for:

California Department of Parks and Recreation

Northern Service Center
One Capitol Mall, Suite 410
Sacramento, California 95814

Contact:

Gary Waldron

Environmental Program Manager
Phone: (916) 445-8772
email: gwald@parks.ca.gov

Prepared by:

Ascent Environmental, Inc.

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Sacramento, CA 95814
www.ascentenvinc.com

Contact:

Curtis Alling

Principal
916.444.7301

March 18, 2011

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Appendix A

Notice of Preparation
September 16, 2010

State of California
The Resources Agency
California Department of Parks and Recreation



REVISED NOTICE OF PREPARATION

Date: September 16, 2010

**PROJECT TITLE: Road and Trail Change-in-Use Evaluation Process
Program Environmental Impact Report
State Clearinghouse Number 2010092023**

RECEIVED

SEP 16 2010

STATE CLEARING HOUSE

This Notice of Preparation (NOP) revises and supersedes the previously released NOP dated September 8, 2010 for the Road and Trail Change-in-Use Program Environmental Impact Report (EIR). The revisions are related to a changes in the name of the program, date of one scoping meeting, and due date for public comments about the scope of environmental issues in the Program EIR.

INTRODUCTION AND OBJECTIVES:

The California Department of Parks and Recreation (California State Parks) proposes to implement the Road and Trail Change-in-Use Evaluation Process (Program) to facilitate the review of proposals to add or change uses of existing recreational roads and trails in the State Park System. The Program is intended to facilitate consideration of changes in non-motorized uses of existing State Park roads and trails to best accommodate accessibility and recreational activities that are appropriate for each road or trail facility. The Program seeks to provide California State Parks with an objective process and evaluation tool to assess proposals to modify roads and trails to add or remove recreational uses.

A Program EIR is being prepared to evaluate the potential environmental effects of the proposed Program. The Program EIR is being prepared in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

California State Parks is the Lead Agency for the Program, as defined by CEQA. The project description, location, and possible environmental effects are included with this notice. We are now seeking input from agencies, organizations and the public to further define the project, develop alternatives, and discuss potential environmental impacts and mitigations.

CALIFORNIA STATE PARKS CONTACT PERSON FOR QUESTIONS ABOUT THE PROGRAM:

Gary Waldron, Environmental Program Manager
California State Parks
Northern Service Center
One Capitol Mall, Suite 410
Sacramento, California 95814
Telephone: (916) 445-8772
Email: gwald@parks.ca.gov

SEND COMMENTS ON THE SCOPE OF THE PROGRAM EIR TO:

Heidi West, Environmental Coordinator
 California State Parks
 Northern Service Center
 One Capitol Mall, Suite 410
 Sacramento, California 95814
 Fax: (916) 445-8883
 Email: ceqansc@parks.ca.gov (Subject Line: Change In Use)

Due to time limits mandated by State law, please submit comments to the Contact below **no later than November 30, 2010**. Include the full name, telephone number with area code, and email address of a contact person for your agency or organization with each submittal.

PUBLIC SCOPING MEETINGS:

Affected agencies, organizations, and the public are invited to scoping meetings to be held at the following dates, times, and places. These scoping meetings also meet the requirements in Section 15082(c) of the State CEQA Guidelines.

Saturday, September 25, 2010
 1:00 to 4:00 pm open house
 Program presentation at 2:00 pm
 Candlestick Point State Recreation Area
 1150 Carroll Avenue
 San Francisco, CA 94124

Saturday, November 13, 2010
 1:00 to 4:00 pm open house
 Program presentation at 2:00 pm
 Lake Activities Building
 Lake Perris State Recreation Area
 17801 Lake Perris Drive
 Perris, CA 92571

PROJECT DESCRIPTION:

This Program applies to decisions that are made for the addition or removal of different types of non-motorized uses of a State Park System road or trail. These types of use may include: pedestrian, accessible pedestrian, wheelchair, equestrian, mountain bike, road bike, in-line skating, or other unidentified non-motorized uses not currently recognized as potential road and trail use types.

Potential project actions that may result from recommendations for a change-in-use type include: reconstruction or rehabilitation of an existing road or trail prism; installation of speed control or separation devices to protect different user types; minor rerouting of trail alignments to correct otherwise unsustainable road and trail grades, or to resolve an existing environmental problem; installation of hardened surfaces, such as, but not limited to, aggregate surfacing, rock armoring, wooden boardwalks or puncheons and bridging; closure, decommissioning, and restoration of existing roads and trails; conversion of roads to trails; and trailhead, point of access, and parking improvements related to changes in recreational road or trail use.

In general, project actions that are eligible for coverage by the program would involve modifications within the corridor of an existing road or trail. Construction would be limited to the existing disturbed area of the road or trail and adjacent lands.

Any proposed project actions that are taken with regard to trails and roads qualifying for change-in-use as a result of the application of the proposed Trail Use Change Process will be required to meet Standard Project Requirements (i.e., environmental protection features) established for trail projects with the objective of making them as "self-mitigating" as feasible. These Standard Project Requirements have been developed to protect resources and avoid impacts to cultural and natural values that may be affected by any of the trails project actions. The complete list of Standard Project Requirements for trails will be included in the Program EIR.

Standard Project Requirements include measures to avoid and minimize environmental effects that are incorporated into the design of a trail project. The requirements can be defined as a result of detailed testing, inventories, studies, and documentation that performed before any surface disturbing activity occur as part of the road or trail modifications approved through the change-in-use process. They also include project construction activities that must be used, such as vegetative removal strategies, dust and erosion abatement techniques, seasonal and soil moisture restrictions for construction, and appropriate resource avoidance methods. The Standard Project Requirements also set inspection and maintenance standards for construction activities on trails to avoid environmental problems associated with earthquake damage, flooding, spill prevention, and storm water pollution prevention.

PROJECT LOCATION:

The Road and Trail Change-in-Use Evaluation Process could be applied to roads and trails in all state parks, state recreation areas, and state beaches of the California State Park System that are owned and managed by the state. The analysis will be organized in the context of the 10 bioregions established by the California Biodiversity Council in order to characterize environmental effects of road and trail change-in-use proposals in the relevant context of different ecosystems.

PROBABLE ENVIRONMENTAL EFFECTS:

The Program EIR will identify and describe the potential environmental effects associated with implementing the Road and Trail Change-in-Use Evaluation Process. Mitigation measures will be identified that may reduce or eliminate potentially significant and significant effects. The following environmental topic areas may be affected by the proposed program, which will be addressed in the Program EIR:

- Terrestrial Biological Resources
- Aquatic Biological Resources
- Geology, Soils and Minerals
- Hydrology, Water Quality, and Erosion/Sedimentation
- Cultural Resources
- Hazards and Hazardous Materials
- Aesthetics and Views
- Transportation
- Greenhouse Gas/Climate Change/Energy Resources
- Air Quality
- Noise
- Public Services and Utilities

INTENDED USES OF THE PROGRAM EIR:

The Road and Trail Change-in-Use Evaluation Process EIR is a Program EIR under Section 15168 of the State CEQA Guidelines. Later activities that are consistent with the program evaluated in this EIR can

benefit from streamlining of the CEQA process. As new site-specific actions are proposed in park units under this program, California State Parks will use a checklist to document the evaluation of the site and the actions proposed to determine whether the environmental effects are covered in this Program EIR. If the evaluation process confirms that no new effects would occur and that no additional mitigation measures would be necessary, California State Parks can approve the actions as being within the scope of the Program EIR, and no new environmental document would be required. If additional significant impacts not addressed in this Program EIR are identified, they will be evaluated in later, project-specific CEQA documentation, in accordance with the State CEQA Guidelines.

Appendix B

Compiled List of Comments
Resulting from the NOP

Appendix B Comments Received Regarding the Notice of Preparation			
Letter #	Entity	Author(s) of Comment Letter/e-mail	Date Sent
State Agencies			
S-1	San Francisco Bay Conservation and Development Commission	Timothy Doherty, Coastal Program Analyst	10/7/2010
S-2	California State Parks, Inland Empire District	Ron Krueper, District Superintendent	11/16/2010
Organizations			
O-1	Bicycle Trails Council of the East Bay	Brent Englund	10/7/2010
O-2	El Dorado Equestrian Trails Foundation	Jerry Scribner, President	10/24/2010
O-3	Equestrian Trails, Inc.	Lynn Brown	11/13/2010
O-4	Tamalpais Conservation Club	Steven Schoonover	11/26/2010
O-5	California Equestrian Trails & Land Coalition	William O. Davis, Attorney at Law	11/29/2010
O-6	Marin Horse Council	Joel Bartlett, President	11/29/2010
O-7	San Bernardino Valley Audubon Society	Drew Feldmann, Conservation Chair	11/29/2010
O-8	Equestrian Trails, Inc.	Lynn Brown	11/29/2010
O-9	International Mountain Bicycling Association	Tom Ward IMBA California Policy Director	11/29/2010
O-10	Bay Area Ridge Trail Council	Bern Smith, South Bay Trail Director	11/30/2010
O-11	San Diego Mountain Biking Association	Russel Boggs and Gardner Grady, President	11/30/2010
O-12	Wendell & Inez Robie Foundation (WIRF)	Jim Larimer, Executive Director	12/12/2010
O-13	Marin Conservation League	Nona Dennis, President	11/30/201
Individuals			
I-1	Email	Mike Vandeman	8/25/2010
I-2	Public Meeting	Larry Minikes	9/25/2010
I-3	Public Meeting	Connie Berto	9/25/2010
I-4	Public Meeting	Connie Berto	9/25/2010
I-5	Public Meeting	Connie Berto	9/25/2010

Appendix B Comments Received Regarding the Notice of Preparation			
Letter #	Entity	Author(s) of Comment Letter/e-mail	Date Sent
I-6	Public Meeting	Carol Colbert	9/27/2010
I-7	Email	C. Delos Putz	11/1/2010
I-8	Public Meeting	Emily Gabel	11/13/2010
I-9	Public Meeting	Jim Hasenauer	11/13/2010
I-10	Public Meeting	George Hague	11/13/2010
I-11	Email	Emily Gabel	11/29/2010
I-12	Fax	Donna Williams	11/30/2010
I-13		Janice and Christopher Myers	12/8/2010
I-14	Email	Cathy Haagen-Smit	12/22/2010
I-15		Bud Hoekstra	9/23/2010



Making San Francisco Bay Better

October 7, 2010

Gary Waldron
California Department of Parks and Recreation
One Capitol Mall, Suite 410
Sacramento, CA 95814

SUBJECT: BCDC Inquiry File MC.MC.1004.1 – Notice of Preparation (NOP) for a road and trail change-in-use program Draft Environmental Impact Report (DEIR). SCH# 2010092023.

Dear Mr. Waldron:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR), dated September 9, 2010, and received in our office on September 13, 2010. These are staff comments based on the San Francisco Bay Conservation and Development Commission (BCDC) laws and regulations, the McAteer-Petris Act, and the provisions of the *San Francisco Bay Plan* (Bay Plan). In particular, these comments are related to BCDC jurisdiction within the project area, public access, recreation and global climate change.

Jurisdiction and Authority. As a permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill (earth or any other substance or material, including pilings or structures placed on pilings, and floating structures moored for extended periods), extraction of materials or change in use of any water, land or structure within the Commission's jurisdiction. Generally, BCDC's jurisdiction over San Francisco Bay extends from the Golden Gate to the Sacramento River and includes tidal areas up to the mean high tide level, including all sloughs, and in marshlands up to five feet above mean sea level; a shoreline band consisting of territory located between the shoreline of the Bay and 100 feet landward and parallel to the shoreline; salt ponds; managed wetlands (areas diked from the Bay and managed as duck clubs); and certain waterways tributary to the Bay. The Commission can grant a permit for a project if it finds that the project is either (1) necessary to the health, safety or welfare of the public in the entire Bay Area, or (2) is consistent with the provisions of the McAteer-Petris Act and the Bay Plan. The McAteer-Petris Act provides for fill in the Bay for water-oriented uses where there is no alternative upland location and requires that any fill that is placed in the Bay is the minimum that is necessary for the project. The McAteer-Petris Act also requires that proposed projects include the maximum feasible public access consistent with the project to the Bay and its shoreline.

For BCDC's Bay jurisdiction, an essential part of BCDC's regulatory framework is the Commission's Bay Plan. Projects approved by BCDC must be consistent with the McAteer-Petris Act and the Bay Plan. The Bay Plan includes priority land use designations for certain areas around the Bay to ensure that sufficient areas around the Bay are reserved for important water-oriented uses such as ports, water-related industry, parks, and wildlife areas. There are Waterfront Park, Beach priority use areas managed by California State Parks such as Angel Island SP and East Shore SP. Projects within BCDC's jurisdiction that are inconsistent with these designations require an amendment to the Bay Plan.

Public Access. Section 66602 of the McAteer-Petris Act states in part that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." Furthermore, the McAteer-Petris Act authorizes the placement of fill in the Bay only for water-oriented uses or minor fill for improving shoreline appearance or public access.

Gary Waldron
 California Department of Parks and Recreation
 October 7, 2010
 Page 2

If any projects identified in the DEIR may require bay fill or new shoreline development within BCDC's jurisdiction, then the DEIR should consider that BCDC policies on public access state, in part, "maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline."

Recreation. Bay Plan findings state, in part, "The Bay is the most important open space in the Bay region. The Bay and its shoreline provide unique recreational opportunities...but the full recreational potential of the Bay has by no means been reached. Bay Plan policies state, in part, "Recreational facilities should be feasible from an engineering perspective and be consistent with the public access policies that address wildlife compatibility and disturbance. Access to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and easily available from parking reserved for the public".

Accordingly, the DEIR should discuss how the Road and Trail Change-In-Use Program may impact recreational opportunities and public access along the Bay shoreline. Furthermore, the DEIR should recognize that Bay Plan policies state, in part, "diverse and accessible water-oriented recreational facilities such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational opportunities for people of all races, cultures, ages and income levels."

Sea Level Rise and Safety of Fills. BCDC recently conducted an assessment of the region's vulnerability to sea level rise which is based on a projected 16-inch sea level rise at mid century (2050) and 55-inch sea level rise at the end of the century (2100). Bay Plan findings and policies anticipate the need for planning associated with safety of fills and sea level rise. The safety of fills findings state, in part, "structures on fill or near the shoreline should be above the highest expected water level during the expected life of the project...Bay water levels are likely to increase in the future because of a relative rise in sea level... Relative rise in sea level is the sum of: (1) a rise in global sea level and (2) land elevation change (lifting and subsidence) around the Bay." Bay Plan policies on safety of fills state, in part, "local governments and special districts with responsibilities for flood protection should assure that their requirements and criteria reflect future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards." Projects in BCDC jurisdiction that involve bay fill must be consistent with the Bay Plan policies on the safety of fill and sea level rise.

Accordingly, the DEIR should discuss the potential for climate change impacts such as inundation and its impacts on biological resources, transportation, hydrology and water quality, hazards, cultural resources, utilities and public services. In addition, if there is a Global Climate Change section of the DEIR it should aim to address both mitigation and adaptation measures.

Thank you for the opportunity to comment on the NOP for the DEIR. If you have any questions regarding this letter please contact me directly at (415) 352-3667 or by e-mail at timd@bcdca.gov.

Sincerely,


 TIMOTHY DOHERTY
 Coastal Program Analyst

Amber Giffin

From: Curtis Alling
Sent: Wednesday, November 17, 2010 8:09 AM
To: Kristen Stoner
Subject: FW: DPR Public Meeting for Road & Trail Change-In-Use Program ON BEHALF OF GARY WALDRON

From: Waldron, Gary [mailto:gwald@parks.ca.gov]
Sent: Wednesday, November 17, 2010 7:15 AM
To: 'Curtis Alling'
Subject: FW: DPR Public Meeting for Road & Trail Change-In-Use Program ON BEHALF OF GARY WALDRON

Hi Curtis,
 You were not copied on the original, but here is a comment from the District Superintendent of the Inland Empire District, fyi.

Gary

Gary Waldron
 Manager, Resource Services
 Northern Service Center
 (916) 445-8772

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From: Krueper, Ron
Sent: Tuesday, November 16, 2010 6:21 PM
To: West, Heidi; Pepito, Alphonso; Salata, William; Lamb, Blaine; Brody, Brent; Ketterer, Brian; Stiny, Bruce; Hayden, Casey; Taylor, Cathy; Bardo, Chet; Phillips, Clay; Sap, Craig; Price, Curtis; Falat, Daniel; Ray, Dan; Jones, Dana; Rodriguez, Danita; Rist, Denise; Guaracha, Eddie; ehjels@parks.ca.gov; Sevrens, Gail; Aitchison, Garratt; Horvitz, Heidi; hfields@hearstcastle.com; Chamberlin, Jay; jeff_bomke@partners.nps.gov; McReynolds, Jeremy; Cooper, Jess; Danielson, Joanne; Rowe, John; Milligan, Joe; jortiz@hearstcastle.com; Tallman, Karl; Amann, Kathleen; Dice, Kathy; Weatherman, Kathy; Elliott, Kelly; Kramer, Kenneth; Gresham, Kent; Forrester, Kevin; klingerfelter@parks.ca.gov; Sencenbaugh, Lee; Rath, Linda; Burko, Liz; Linkem, Marilyn; Hada, Mark; Pass, Mary; Fuzie, Mat; Green, Matt; Fehling, Michael; Ferry, Mike; Gardner, Michelle; Lynch, Mike; Zeitler, Morgan; Martinez, Nedra; nfranco@hearstcastle.com; Armas, Pam; Hammond, Paul; Keel, Paul; Haydon, Rich; Dennison, Richard; Rozzelle, Rich; Reisenhofer, Richard; rgaebert@park.ca.gov; Clark, Ronie; Nakaji, Scott; Wassmund, Scott; Woods, Sean; Bachman, Stephen; Bylin, Stephen; Grove, Susan; Jackson, Ted; Lewis, Todd; Sereno, Vince
Cc: Waldron, Gary; DuMont, Patti; Musillami, Steve; Breece, Wayne; Tobias, Kathryn; Knapp, Karl
Subject: RE: DPR Public Meeting for Road & Trail Change-In-Use Program ON BEHALF OF GARY WALDRON

Gary and All

Shouldn't the NOP also list "Wilderness and Recreation" under Probable Environmental Effects? The project description lists several potential project actions that may result in recommendations for a change in use type: however, specifically listed are "closure, decommissioning." Closing, removing or restricting certain trail user groups on particular road or trail would affect a previously established recreation use and pattern.

For instance, as you know, with the equestrian and mt. bike groups, certain trails within parks are extreme favorites. If an evaluation of a particular trail indicated closing or eliminating a user group and it is a favorite or a significant regional trail circulating route (inside or outside a park) we would face great public outcry and opposition. So I guess this is where we fall back to the last sentence quantifier of the NOP, "If additional significant impacts not addressed in the program EIR are identified, they will be evaluated in later, project specific CEQA documentation, in accordance..."?

I unfortunately did not attend these public meetings, but was this brought up by user groups?

Ron Krueper
 District Superintendent
 California State Parks
 Inland Empire District
 17801 Lake Perris Drive
 Perris, CA 92571
 (951) 940-5622

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From: West, Heidi

Sent: Wednesday, November 10, 2010 1:57 PM

To: Pepito, Alphonso; Salata, William; Lamb, Blaine; Brody, Brent; Ketterer, Brian; Stiny, Bruce; Hayden, Casey; Cathy Taylor (ctaylor@parks.ca.gov); Bardo, Chet; Phillips, Clay; Sap, Craig; Price, Curtis; Falat, Daniel; Ray, Dan; Jones, Dana; Rodriguez, Danita; Rist, Denise; Guaracha, Eddie; Eric Hjelstrom (ehjels@parks.ca.gov); Sevens, Gail; Aitchison, Garratt; Horvitz, Heidi; Hoyt Fields (hfields@hearstcastle.com); Chamberlin, Jay; Jeff Bomke (jeff_bomke@partners.nps.gov); McReynolds, Jeremy; Cooper, Jess; Danielson, Joanne; Rowe, John; Milligan, Joe; Juventino Ortiz III (jortiz@hearstcastle.com); Tallman, Karl; Amann, Kathleen; Dice, Kathy; Weatherman, Kathy; Elliott, Kelly; Kramer, Kenneth; Gresham, Kent; Forrester, Kevin; Kirk Lingenfelter (klingerfelter@parks.ca.gov); Sencenbaugh, Lee; Rath, Linda; Burko, Liz; Linkem, Marilyn; Hada, Mark; Pass, Mary; Fuzie, Mat; Green, Matt; Fehling, Michael; Ferry, Mike; Gardner, Michelle; Lynch, Mike; Zeitler, Morgan; Martinez, Nedra; Nicholas Franco (nfranco@hearstcastle.com); Armas, Pam; Hammond, Paul; Keel, Paul; Haydon, Rich; Dennison, Richard; Rozzelle, Rich; Reisenhofer, Richard; Roland Gaebert (rgaebert@park.ca.gov); Krueper, Ron; Clark, Ronie; Nakaji, Scott; Scott Wassmund (swass@parks.ca.gov); Woods, Sean; Bachman, Stephen; Bylin, Stephen; Grove, Susan; Jackson, Ted; Lewis, Todd; Sereno, Vince

Cc: Waldron, Gary; DuMont, Patti; Musillami, Steve; Breece, Wayne; Tobias, Kathryn; Knapp, Karl

Subject: DPR Public Meeting for Road & Trail Change-In-Use Program ON BEHALF OF GARY WALDRON

Hello Everyone,

I am emailing you on behalf of Gary Waldron, the NSC Resource Services Manager, to inform you about the second and last of two public meetings for the Road and Trail Change-In Use Program. Gary Waldron will facilitate the second public meeting scheduled at Lake Perris State Recreation Area on Saturday, November 13.

California State Parks (CSP) proposes to use the Road and Trail Change-In-Use Program to allow the Department to add and remove official recreation uses on roads and trails in State Park units. As the lead agency under the California Environmental Quality Act (CEQA), CSP filed a Notice of Preparation (NOP) on September 16, 2010 to prepare a Draft Program Environmental Impact Report (Draft PEIR) to evaluate impacts caused by implementation of the Program. CSP is now seeking public input to further define the project, develop alternatives, and discuss potential environmental impacts and mitigations.

Attached for your information are copies of the News Release distributed last week that provides information about the second public meeting and the NOP describing the Program in detail.

Regards,

Heidi

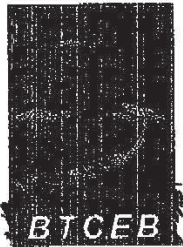
Heidi West
 Environmental Coordinator
 California Department of Parks and Recreation
 Northern Service Center
 One Capitol Mall, Suite 410
 Sacramento, CA 95814
 (916) 445-8783

07/18/2003 03:00

5416890350

STEPHANIE POELLOT

PAGE: 01



Bicycle Trails Council of the East Bay

PO Box 9583, Berkeley, California 94709-0583
 (510) 761-6825
www.BTCEB.org

October 7, 2010

I am writing on behalf of the Bicycle Trails Council of the East Bay (BTCEB) in support of the California State Parks proposal to use the Road and Trail Change-In-Use Program (Program) to allow the Department to increase recreational use on roads and trails in the State Parks and to develop the Program Environmental Impact Report (PEIR).

The BTCEB is a non-profit educational association whose mission is to create, enhance and preserve great trail experiences for mountain bikers throughout the East Bay (San Francisco Bay Area). Since 1987, BTCEB has been bringing out the best in mountain biking by encouraging low-impact riding, volunteer trail work participation, cooperation among different trail user groups, grassroots advocacy, and innovative trail management solutions.

Multi use should be a strong goal of State Parks, and adding more opportunities for all muscle-powered users is of critical importance. Like most users of the State Parks Mountain bikers want to see the forests and mountains where we ride protected in their natural state. We believe it may be necessary to build new trails, reroute old ones, or engage in major rehabilitation of existing trails. State Parks must make it clear that the Program will not mandate sticking to existing trails.

Bicycling draws young people to outdoor activities and improves their stewardship of public lands as adults. Bicycling also is a sustainable, low-impact activity and a viable economic redevelopment option for many communities. References to "conflicts" should have no place in an environmental document, which deals with "environmental impact." User conflict is highly subjective, and based upon "perception" rather than science. Unauthorized use of current trails should also not be a basis for denying a change of use. Instead, it should be viewed as a reason to increase access, which in turn would decrease unauthorized use.

State Parks should make use of the body of information/research concerning relative impact of mountain bikes as compared with other users. They should also consider different management tools, such as alternating trails, one-way trails, signage, and education. Above all, State Parks needs to consider carefully the relative numbers of users from different groups, and reflect this in the PEIR. Mountain bikers need trails allocated to them proportional to their numbers.

Brent Englund
 President
 Bicycle Trails Council of the East Bay
www.btceb.org
 (510) 761-6825

*Our Mission: To educate cyclists in responsible mountain biking, to advocate for appropriate access and to promote community among trail users so all may fully enjoy and preserve the natural spaces of the East Bay.
 Our Vision: We envision a united trails community where mountain bikers, equestrians, and hikers happily coexist on trails, both narrow and wide, extending each other due courtesy and caution, in open spaces, everywhere.*

**El Dorado Equestrian Trails Foundation
P.O. Box 321, Greenwood, CA 95635**

October 24, 2010

Environmental Coordinator-Trail PEIR
1 Capitol Mall, Suite 410
Sacramento, CA 95814

Re: Comments in opposition to PEIR

TO WHOM IT MAY CONCERN:

Most of California's park trails are narrow and were designed for foot traffic consisting primarily of individuals walking single file or riding a horse. The fundamental flaw with the PEIR proposal is its underlying premise -----that changing trail use from foot traffic only to foot and vehicle traffic combined can be safely accommodated on most existing trails. It can't be. The trails were never designed for wheeled use of any kind. They were designed as the equivalent of sidewalks in the forest. We have known for years that wheeled vehicles and pedestrians don't mix well and it is the pedestrians who must give way or be injured. That is why under the vehicle code bicycles cannot be ridden on pedestrian walkways.

With trails, the experience is that once mountain biking becomes a predominant use on a trail, other users are driven off. The same is true of motorcycle use and snowmobile use which is one reason those sports are incompatible with hiking and snowshoeing.

Both motorized and non-motorized trail riding has become increasingly popular on dirt roads and trails. It is generally recognized that the noise, speed, and air pollution associated with motorized recreation (both summer and winter) is incompatible with foot traffic uses. For this reason State OHV parks, funded in part by fees on motorcycles have been established for this group of recreation users. Motorized vehicle use on existing trails is specifically excluded from this PEIR process.

The other wheeled vehicles on trails, mountain bikes, do not create noise or air pollution but their wheels do the same kind of damage to trails as motorcycles. The ruts become channels for water which is the number one cause of degradation of trails. The number of users increases the damage and adding mountain bikes to existing trails increases the traffic volume exponentially. Realistically, there is no mechanism to control the number of bikes on a trail once it is opened up. Nor, I should add, is there any way to control the profusion of new unauthorized trails that inevitably appear once wheeled vehicles enter the park environment. This has been a major problem in virtually every local, state, and national park where bikes are invited to use unpaved single-track trails.

The environmental damage cannot be eliminated. What has worked with motorized wheeled vehicle use is to try and confine it to specific locations and add jumps and other challenging conditions to enhance the thrill aspect of the sport. The same would work for mountain biking. There should be but so far isn't a mountain bike program like the "green sticker program" whereby the commercial interests promoting mountain bike use on trails could support increased recreational opportunities for their customers. Instead the announced goal of the International Mountain Biking Association (IMBA) and others has been to open up all existing hiking and riding trails to wheeled vehicles.

In theory environmental damage can be mitigated. However what cannot be eliminated or mitigated are the horrendous significant safety issues inherent in allowing mountain biking on narrow hiking and riding trails. As noted these trails were not designed for this use nor for the speed associated with wheeled vehicle use as opposed to walking, hiking and horseback riding. The existing trails are not only narrow but often go around blind corners as they ascend and descend steep terrain. Precipitous drop-offs next to the trail are common. The average speed of a mountain bike is 15-18 miles an hour on the level. It is much higher in many cases going downhill. This speed differential is incompatible with the much slower pace of hikers including families and children and it is extremely dangerous for equestrians. This differential speed and the hazard it presents to foot traffic is the reason bicycles are not allowed on sidewalks.

The good news is that mountain bikes can be accommodated where trails are wider than sidewalks. Where you have a well-designed trail with good lines of sight and at least a 72 inch width, there can be room for multiple users to be on the same trail at the same time. There are thousands of miles of fire roads in and

around urban areas that are perfect for multi-use including mountain bikes. There are some trails in parks that are six or more feet in width with good lines of sight that can also accommodate multiple users. But no trail less than six feet in width should be eligible for a change in use designation to add wheeled vehicles under the PEIR program unless as part of the change the trail is going to be widened to facilitate the changed use and other safety issues like blind corners and drop-offs are addressed.

It is also important to note that the "Draft Trail Use Change Process (PEIR Revision)" flow chart pre-supposes the availability of a critical potential mitigation alternative. This alternative "...enforcement and patrol..." to reduce user conflicts is eyewash. Enforcement simply does not exist now and none is expected in the future. There are fewer and fewer rangers in California covering more and more territory. No one disputes that enforcement of trail user conflicts is beyond the resource capability of park rangers. Education efforts can be helpful with well-meaning trail users but are totally ineffective with a significant percentage of the members of the biking community. Signs prohibiting bikes are defaced or removed faster than rangers can put them up. Where signs are present, mountain bikers claim not to have seen them. Imagine policing our freeways with education only!

The PEIR process is presented as an environmental process designed to allow the state to rationally assess the environmental impact of allowing mountain bikes on wide trails where there is also room for other users. However unless these minimum threshold requirements of wide trails with good lines of sight are made explicit, then most of the state's hiking and equestrian trail system will be swiftly converted to wheeled vehicle use with no consideration of the safety and enjoyment of other users and little or no modification other than lip service to the notion that environmental concerns are being meaningfully identified or seriously addressed. Such a change would be a tragic loss for the users the trails were designed and built to serve and for the trails themselves.

Sincerely,



Jerry Scribner, President

El Dorado Equestrian Trails Foundation

(916)765-7399 jscribner@foothill.net

COMMENT CARD



CALIFORNIA STATE PARKS
ROAD AND TRAIL CHANGE-IN-USE PROGRAM

Name

Lynn Brown

Mailing Address

on file : Eg. Trails Inc 1547 N. Sierra
Brite Ave
LA 90046

Email Address

AKA Lynn brown @ AOL.com

Comments

All local trail users should be notified
of proposed trail changes. Comment periods +
accessible meetings must be arranged at
times when the public can attend.
Major trail organization should be
notified well in advance of a meeting

Meeting Date

11/13/2010

You may also submit comments by email to ceqansc@parks.ca.gov no later than November 30, 2010 (Subject Line: Change in Use).



TAMALPAIS CONSERVATION CLUB

232 East Blithdale • Room 211 • Mill Valley • CA • 94942

November 26, 2010

By Facsimile, E-mail and US Mail
(Fax 916-445-8883; e-mail cegansc@parks.ca.gov)

Heidi West – Environmental Coordinator
California State Parks
Northern Service Center
One Capital Mall
Sacramento, CA 95814

Re: PEIR (Road & Trail Change in Use)

Dear Ms. West:

The 99 year-old Tamalpais Conservation Club (TCC) has the following comments pertaining to State Parks' Road & Trail Change in Use Program PEIR:

1. To the extent the PEIR will more efficiently enable State Parks to assess the broad environmental effects of proposals (as opposed to site-specific effects) for road and trail change in use, the TCC favors the concept;
2. The TCC is concerned that there is no mechanism proposed to notify State Parks users (i.e. the public) of proposed changes in use. The flow chart posted at the 09/25/2010 public meeting in San Francisco indicated that input would be gathered from local trail user groups or something called a Local Trail Advisory Committee. Widely disseminated notification to the general public is essential to involve all users, not just a select few. Additionally, who is to determine who will be notified of proposals for change? To promote acceptance of the PEIR proposal, State Parks must guarantee that notice of all proposed trail and road use changes are publicized broadly;
3. It is unclear if there will be any published standards used by the local park unit "Evaluation Team" to evaluate the desirability or wisdom of changes in use. There certainly should be standards to avoid arbitrary decision making. CEQA provides some guidance, but there are factors that must be considered that might be beyond the scope of CEQA, such as user safety;

Heidi West - Environmental Coordinator
California State Parks
November 26, 2010
Page 2 of 2

4. It's unclear whether *all* change in use proposals will be considered and, if not, the standards that will be used to determine which proposals will be considered and which will not be considered. The danger is that arbitrary decision-making by the park unit involved might favor one user group over another. Will the park unit have unlimited discretion to decide which proposals it will consider? Will headquarters in Sacramento dictate the nature of favored uses? The danger is that a process lacking standards will lead to arbitrary political decision-making and favoritism;

5. The TCC assumes the Public Records Act will provide the public with access to *all* records of the underlying analysis used to evaluate change of use proposals. If not, assurances must be made that all of those records must be made available to interested parties as a check on the decision-making process.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steven Schoonover', with a stylized, cursive script.

Steven Schoonover

SS/nk

cc: Tamalpais Conservation Club Board of Directors

William O. Davis
Attorney at Law
PO Box 492796
Redding, CA 96049
(530) 242-1275 FAX 232-0210
bdavis@ShastaLaw.net

November 29, 2010

By email to cegansc@parks.ca.gov
Heidi West, Environmental Coordinator
California State Parks
Northern Service Center
One Capitol Mall, Suite 410
Sacramento, CA 95814

RE: Revised NOP dated September 16, 2010
Road and Trail Change-in-Use Evaluation Process

Dear Ms. West and To Whom It May Concern:

On behalf of California Equestrian Trails & Land Coalition (CET&LC), we are responding to the revised NOP dated September 16, 2010. It is our understanding that the State is going to prepare a Programmatic Environmental Impact Report (PEIR) evaluating the impacts of trail use modifications. As we understand it, the NOP seeks scoping reviews and comments. Enclosed is CET&LC's response to the NOP.

The fifteen organizations that compose CET&LC represent more than 35,000 equestrians and others with significant experience in trails use and maintenance, design and installation, as well as assistance in managing and patrolling in the state parks. CET&LC also works with other user groups like the disabled and elder pedestrians. As a part of CET&LC's work to assure a safe and enjoyable trails experience for equestrians and hikers, it developed a statement on Safety Considerations for Multi-Use Trails. [A copy is attached to this response.] These safety recommendations should be considered for inclusion in the Road and Trail Change-In-Use Requirements for all trails.

Many people are unfamiliar with CEQA and CEQA processes and how to read or interpret the associated documentation. We first address the text of the NOP itself. There are points at which the NOP is not clear as to the intent or extent of the proposed projects in the new "Road and Trail Change-In-Use Program". We recognize that an NOP is not a definitive document and are not critical of the NOP; rather we are responding to the NOP while also addressing some of the confusions that have arisen as some people have read the NOP. These comments and questions are organized according to the major headings in the NOP, Items I through V. These are followed by general

comments on elements we believe are critical to address in the PEIR.

CET&LC looks forward to a collaborative and productive experience in working with State Parks during the CEQA process. We look forward to a PEIR that addresses the many concerns and issues confronting State Parks and trail users in maintaining and improving the California State Parks trails system.

Yours truly,

A handwritten signature in cursive script, reading "William O. Davis".

William O. Davis

WOD:ts

Encs: Response to NOP and related Exhibits

RESPONSE TO REVISED NOP ISSUED
SEPTEMBER 16, 2010

ROAD AND TRAIL CHANGE-IN-USE EVALUATION PROCESS
STATE CLEARINGHOUSE NUMBER 2010092023

California Equestrian Trails & Lands Coalition

William O. Davis, Attorney
PO Box 492796
Redding, CA 96049
(530) 242-1275
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Contents

Response to Notice of Preparation

- I. Introduction and Objectives.
- II. Project Description.
- III. Project Location.
- IV. Probable Environmental Effects.
- V. Intended Uses of the Program EIR.
- VI. The Problem of Unsafe Trail Users.
- VII. Quality of User Experience.
- VIII. Other State Agencies.
- IX. NEPA Issues and Federal Agencies.
- X. Conclusion.

Exhibits

- A. Revised Notice of Preparation, September 16, 2010.
- B. Draft Questionnaire.
- C. Bioregions of California, Biodiversity Council.
- D. Impact of Mountain Biking - Palos Verdes Nature Preserve, compiled by Lynn Brown. [Forwarded separately on disk due to size of file.]
- E. Article "Trail Wars at Annadel State Park" dated July 6, 2010
- F. Summary of personal reports of incidents involving bikers, compiled from Park Watch.org
- G. CET&LC Safety Considerations for Multi-use Trails.
- H. Motion to Intervene, Lake Oroville Relicensing, Federal Energy Regulatory Commission, March 31, 2006

Response to NOP

I. Introduction and Objectives.

The NOP [attached as Exhibit A] Introduction and Objectives section states that the Program will apply to "existing recreational roads and trails". This appears to remove consideration of new trails from the scope of the program. Is this the case? If so, are new trails or alternative trail locations intentionally excluded from the consideration of alternatives as part of the PEIR CEQA review process when such possible changes are considered at a statewide, regional or local level? Said another way, will individual unit park staff consider the installation of future new trails pursuant to the proposed Program as a way to address user concerns?

"Uses" that are "appropriate for each road or trail" are mentioned. How is appropriateness determined for existing trails during the PEIR process and later when the PEIR is used in specific parks and local areas? This is a matter of great concern for the equestrian users with whom we work.

The goal of the PEIR is said to be the creation of an "objective process and evaluation tool to assess proposals to modify roads and trails to add or remove recreational uses." What is meant by "objective" in this context? Does evaluation include only environmental effects, positive or negative, or does it also include social factors and public safety, or economic factors and ability to fund policing and management of trails? Social and economic effects can be indicators of significant impacts that might otherwise go unaddressed in an EIR, as recognized in the CEQA guidelines at section 15131. How will this issue be handled in the PEIR and by the Program? At subparagraph (b) the CEQA guidelines describe how a social or economic impact may lead to a finding of significant effect:

b) Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining whether the effect would be significant.

The PEIR is being prepared to evaluate "the potential environmental effects of the proposed Program." By effects of the Program, we assume this means the potential effects of the actual projects and changes of use that may occur, not the effects of the administrative processes such as holding meetings, soliciting public inputs, publishing questionnaires and the like. If we are wrong, please let us know.

A draft questionnaire [Exhibit B] has been circulated and apparently a number of meetings held to discuss its form and content. There is some confusion as to how the questionnaire fits into this PEIR process and the proposed Program. Is the questionnaire the primary method of implementing the Program? Will there be other policies or procedures involved in creating or implementing the Program? What is the timeline for implementation of the Program? The NOP also mentions "Standard Project Requirements" which will be discussed again below. How do those relate to the questionnaire?

II. Project Description.

The scope of uses included under the Program includes many existing recognized uses and also refers to "other unidentified non-motorized uses not currently recognized as potential road and trail use types". Are there any examples of such possible but unrecognized uses which presently exist? Does the scope of the project include a separate or distinct process by which a use or uses may be removed and/or a trail closed or eliminated, rather than merely modifying the existing use? This question arises because the NOP states that included in potential project actions are "closure, decommissioning" of existing trails.

It appears that an existing use and the associated trail location cannot be moved to another location that is not in the immediate vicinity of the existing use under the Program. Is that correct? The NOP states that "minor rerouting" to "correct otherwise unsustainable road and trail grades, or to resolve an existing environmental problem" may occur. And, "[c]onstruction would be limited to the existing disturbed area of the road or trail and adjacent lands". Is there a maximum distance by which a change to "adjacent lands" will be limited?

What are the "Standard Project Requirements" that are said to be mandatory? Do they presently exist in draft or final form? If not, how will they be created? The Requirements are parenthetically described as "environmental protection features". Will the Requirements include safety provisions governing conditions imposed regarding time or manner of use, and other matters which might not be characterized as "environmental" issues but which in some cases may give rise indirectly or cumulatively to environmental issues and concerns? The objective is said to be "making [the Requirements] as self-mitigating as feasible". Will there be mitigation monitoring or review of mitigation and effects of projects, even if they are as "self-mitigating as feasible" at this time? It is hard to comment on the Requirements when the "complete list" will be "included in the Program EIR" but are not yet available. Is one of the purposes of the PEIR review process to create the Requirements based upon public and other agency inputs or will it simply be reviewing an existing set of or drafts of Requirements which the agency has already created?

The NOP states that the Requirements are "a result of detailed testing, inventories, studies, and documentation that [sic] performed before any surface disturbing activity occur [sic] as part of the road or trail modification approved through the change-in-use process." Have the testing, inventories, studies and documentation already been created for the statewide Program? Do such items exist for regional or local park specific projects? How might those items be reviewed? Are such items intended to be created as part of a regional or local park project review process at some future time? Can "any surface disturbing activity" occur without these items under the Program? Who will make the determination that the items are sufficiently complete and accurate to support a decision pursuant to the Program?

III. Project Location.

The NOP states that the "analysis will be organized in the context of the 10 bioregions established by the California Biodiversity Council in order to characterize environmental effects

of road and trail change-in-use proposals ..." Is the "analysis" the analysis in the PEIR for the statewide policy? Or, is this sentence referring to the later analysis performed by individual park superintendents and staff at the local park level, or both? Is this PEIR and the project considered to be of statewide significance under CEQA?

We would note that the bioregions are not intended to provide for homogenous policies throughout their individual reaches. The boundaries are not fixed and were often determined not by biological continuity but rather by existing agency property lines. [See the Council's map and statement describing how the regions were defined, copy attached as Exhibit C.] For example, the Klamath/North Coast region extends from the coast to the Mt. Shasta area. The Sierra extends from Lake Tahoe to southern California, high altitude Sierra to southern desert. While the regions may be useful as organizing tools for managing such a large state with its almost infinite variations in terrain, climate, population, history, etc., they do not seem fit for purposes of generalized mitigation measures or project Requirements upon which may be premised a categorical exemption or negative declaration for future local park-specific projects.

IV. Probable Environmental Effects.

The list of Probable Effects does not include social and economic factors, which may be relevant under the CEQA guidelines where the social or economic effects may give rise to environmental consequences or collateral and indirect effects associated with the social or economic impacts of a project. We assume the list is a draft subject to modification; if we are wrong, let us know.

Will the "no project" alternative be evaluated in the PEIR? Will it be made a part of any subsequent project reviews performed under the Program after the PEIR is approved? This is a very important issue to the equestrian and pedestrian users who are concerned with the environmental and other harms associated with high speed mountain bike use in the parks. While there may be many bikers, of all kinds, that respect the rules, behave well, and follow the existing trails, there are many, if not a good majority, who violate the rules, behave in an offensive and unsafe manner, and go out of their way to create new unauthorized trails, destroy existing trails and trail features, and drive the equestrian and pedestrian users off the trails and out of the parks. See the attached report compiled by Lynn Brown with photographs and commentary from Palos Verdes Nature Preserve [Exhibit D]. That report is representative of the experience of equestrian and pedestrian users in the State Parks throughout the State of California. Also refer to the recent article describing the trail issues at Annadel State Park [Exhibit E].

V. Intended Uses of the Program EIR.

The NOP discusses "[l]ater activities that are consistent with the program evaluated in this EIR". How is consistency determined and who will determine whether a project is consistent with the PEIR? The NOP also says that "[a]s new site-specific actions are proposed in park units under this program, California State Parks will use a checklist to document the evaluation of the site and the actions proposed to determine whether the environmental effects are covered in this Program EIR". Who in State Parks will perform the "evaluation of the site"? Can you give us some examples of what would and would not be "covered in this Program EIR"? Does the

checklist already exist or will it be created as part of the CEQA review process, with public and agency inputs? As stated above, it is a seemingly impossible task to take into account the great variety of terrain and conditions in all the local parks in one set of Requirements or one PEIR at the statewide level. As the Biodiversity Council stated at the beginning of the organization's MOU:

California is one of the most biologically diverse areas in the world. The state's rich natural heritage--vegetation cover and distribution, wildlife and fish habitat, recreation and aesthetic values, water and air quality--provides the basis for California's economic strength and quality of life. Sustaining the diversity and condition of these natural ecosystems is a prerequisite for maintaining the state's prosperity.

From: <http://biodiversity.ca.gov/mou.html> ; Memorandum of Understanding: California's Coordinated Regional Strategy to Conserve Biological Diversity, *"The Agreement on Biological Diversity,"* September 19, 1991

VI. The Problem of the Unsafe Trail Users.

For equestrian users the most important issue in converting trails from equestrian and hiking trails to multi-use (mountain biking) trails is safety. The inclusion of mountain bikers often renders the trails unsafe for hikers and equestrians. For evidence we submit the recently developed report from Palos Verdes Nature Preserve [Exhibit D], the previous record in the Federal Energy Commission review of the Oroville Dam relicensing project [See www.ferc.gov elibrary, motion submitted 3/31/2006], and a summary of reports from the Park Watch website, sponsored by the Action Coalition of Equestrians in collaboration with the California Recreational Trails Committee [Exhibit E]. The Park Watch reports are available to local park officials and law enforcement. These three documents are substantial. We incorporate the matter included in those documents in this comment letter.

Equestrians do not oppose mountain biking when it is done within the park and trail rules. But it is very frequently and in some cases, at least, more often than not, done without regard for park and trail rules. Bikers not only go out of their way to insult other users when passing them at high speeds, they look for places to create unauthorized trails and do so with impunity. Bikers have caused serious injuries when they startled riders' horses. The most well-known may be the incident giving rise to the Annadel State Park lawsuit after a rider was rendered a quadriplegic. A recent article described a State Park Ranger's observation that there are probably twice the number of illegal as legal trails in the 5,000-acre Annadel park [Exhibit E].

In another example, a woman described how her back was broken by a faceless, unnamed and unidentified biker when he sped past the rider's horse on a State Park trail [See the attached letter to the California State Park & Recreation Commission dated June 9, 2005]:

I did have a bike/horse accident in September 2004. My daughter and I were riding on the Loafer Creek Orchard Loop and a mountain biker came barreling around the corner and scared the hell out of the horses. My horses started bucking like a bronco and I ended up with three cracked vertebrae, whiplash and a sprained right hand. The biker didn't even slow down. I had to calm my horse down and ride all the way back to the trailer in that shape. When I contacted the Park Department, I was told without a name, description, etc of the

biker, they could do nothing. Tough luck. The guy had a riding helmet on and went by us at 35 mph. There is no way I could identify him or get his name.

The Palos Verdes report [Exhibit D] is graphic evidence of the environmental damage that results from the high speed antics of the dangerous mountain biker users. Again, we are not saying this is all bikers, but it is enough users such that the destruction and dangers are significant. If mountain bike use is to be added to any equestrian and hiking trail then mitigation must include speed limits, safety practices and, most importantly, effective enforcement which also serve the collateral benefit of preventing associated environmental damage. The CET&LC has created safety guidelines [Attached as Exhibit G], which are a minimum program for making trails safe when converted to multi-use. We believe that the CET&LC guidelines should serve as a template for safety requirements to be included in the Program. Such safety guidelines serve the dual purpose of providing for the public safety and defining mitigations which will reduce consequent and related environmental damage. Such mitigations are consistent with CEQA and the CEQA guidelines discussed below.

The CEQA guidelines require that mitigation must be "fully enforceable through permit conditions, agreements, or other legally-binding instruments". In the interest of public safety and of protecting the environment, such conditions should be required and enforced when it comes to trail users. Guideline 15126.4(a)(2) states:

(2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

One of the biggest problems confronting equestrians who have been harmed or threatened and intimidated by reckless mountain bikers is the absence of any formalized reporting or record keeping system for such incidents. As a related matter, there appears to be no budget for enforcement of any rules on trail use. Signs do not work. The problem bikers uniformly disobey signs which limit their use of a specific trail or park area -- including removing signs, going out of their way to create offshoots from a main approved trail or modifying that trail as shown in the report by Lynn Brown as well as experienced in parks throughout the state (see Annadel Park article). The PEIR should address these issues, and mitigation measures dealing with these issues should be incorporated into the Program Requirements and policy.

The analysis of significant effects pursuant to the CEQA Guidelines is to include both short and long term effects in the project area, including "relevant specifics of the area". The analysis includes consideration of safety problems caused by a physical change like the inclusion of bikes on trails where they have not previously been authorized, impacts of bringing people into the project area, and scenic quality issues. Safety considerations should be considered in the PEIR and later in decisions at the local unit level. The significant effects analysis is described as follows at Guideline 15126.2(a):

Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources

involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), **health and safety problems caused by the physical changes**, and other aspects of the resource base such as water, historical resources, **scenic quality**, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. (Emphasis added.)

VII. Quality of User Experience.

Another major issue for equestrians is the quality of the in-park and trail experience. Having bikers come hurtling down a narrow often winding trail to go zooming by a rider sitting atop a horse, is a frightening and threatening experience. It is the antithesis of the experience which hikers and equestrians go to the parks to enjoy. Many people go to nature for the serenity and renewal it provides. Having to be on alert for speeding bicyclists around every curve drastically changes the nature of the user experience. See Exhibit F, summaries of several incidents involving equestrians and bikers, collected through Park Watch Report.org, a collaboration between trail users and the California Recreational Trails Committee, mentioned above.

Again, the speed and behavior of the problem bikers has the collateral consequence or indirect and cumulative effect under CEQA of damaging the existing trails and parklands environment, as evidenced by the Palos Verdes report. These are significant effects, both social and environmental as described in Guideline 15126.4 and 15126.2. Mitigating that damage is best accomplished by preventing the egregious behavior to begin with, either putting time, place and manner of use restrictions that are enforced on such use or not authorizing such use in the first place under the no project alternative analysis. In any case, such mitigations are appropriate under the Guidelines as discussed above. Will such issues be addressed and mitigations defined as a part of the Program and the Program requirements? Will such issues be addressed in the PEIR?

The issue is not whether all mountain bikers are unruly and dangerous destroyers of the park environment. Not every biker is. Those bikers who are respectful of the rules, the environment and other users often claim that there are very few irresponsible and destructive bikers. That is not the case throughout the State. The Palos Verdes report [Exhibit D] is a good example and evidence; so is the common knowledge that in Marin County a great deal of damage has been done to the public lands by such bikers. The article about Annadel State Park is typical of experiences in many, if not all, of the other State Parks.

The core problem is that trails made accessible to responsible bikers are also available to irresponsible and destructive bikers. The State does not have the money and staff to police the destructive bikers. As stated by a biker in the Annadel article, State Parks is fighting a losing battle against such bikers on State Lands without effective enforcement. As evidenced in the photographic record and report from Palos Verdes and the article describing trails in Annadel State Park as only two examples, the environmental consequences of unrestrained and uncontrolled bikers has a significant negative impact on the grounds and lands. And, the impact extends to destruction and damage to plant life, death and destruction of animals and their

environment, erosion and damage from climatic conditions, and destruction of the natural park experience for other users, visual and otherwise.

Such destructive effects dictate that making it a criminal offense with significant penalties would be one way in which destructive bike riders should be discouraged from continued use of our public parks, if there were funds for patrolling and enforcement. Perhaps bikers should be required to obtain licenses to use any of the authorized trails and to wear a distinguishing number or have an easy to read license affixed to their bikes in order to permit identification of those abusing the privilege of riding in State Parks.

VIII. Other State Agencies.

Will the Program impact or supersede other agency authority over land use within their jurisdiction? Such agencies would include, for example, the Coastal Commission, Regional Water Quality Control Boards, Reclamation Districts, Resource Conservation Districts, State Lands Commission, Dept. of Fish & Game, etc. We would suggest that interagency processes be defined in the PEIR so that the members of the general public can understand how the Program will work at the local level.

IX. NEPA Issues and Federal Agencies.

Because NEPA is triggered by projects at the state level where federal funding is involved, among other factors, will the PEIR address NEPA issues or processes for joint state and Federal approvals? Does this PEIR require Federal review or participation? Will individual local park unit projects require such Federal participation or review? For example, Lake Oroville State Recreation Area is under the combined jurisdiction of the Federal Energy Regulatory Commission, California Department of Water Resources, and State Parks. Fish & Wildlife, National Marine Fisheries Service, and the Army Corps may be involved with projects which have any direct or indirect impact on waters of the United States and the endangered or threatened fish or other species. Moreover, whenever projects receive federal monies, NEPA review is required by law

X. Conclusion.

CET&LC supports state parks in its commitment to expand our citizens' positive and diverse experience of nature in our remarkable state parks. These are very difficult times with severely limited budgets and a diversity of park users and needs. Even with these constraints, solutions can be found to maintain and enhance the experience of trail users. CET&LC is available to assist State Parks in this effort. The critical first step is a well-considered PEIR to assure that the environment, user safety and the quality of the nature experience are all protected.

EXHIBIT A

SCH # 2010092023

State of California
The Resources Agency
California Department of Parks and Recreation



REVISED NOTICE OF PREPARATION

Date: September 16, 2010

PROJECT TITLE: **Road and Trail Change-in-Use Evaluation Process
Program Environmental Impact Report
State Clearinghouse Number 2010092023**



This Notice of Preparation (NOP) revises and supersedes the previously released NOP dated September 8, 2010 for the Road and Trail Change-in-Use Program Environmental Impact Report (EIR). The revisions are related to a changes in the name of the program, date of one scoping meeting, and due date for public comments about the scope of environmental issues in the Program EIR.

INTRODUCTION AND OBJECTIVES:

The California Department of Parks and Recreation (California State Parks) proposes to implement the Road and Trail Change-in-Use Evaluation Process (Program) to facilitate the review of proposals to add or change uses of existing recreational roads and trails in the State Park System. The Program is intended to facilitate consideration of changes in non-motorized uses of existing State Park roads and trails to best accommodate accessibility and recreational activities that are appropriate for each road or trail facility. The Program seeks to provide California State Parks with an objective process and evaluation tool to assess proposals to modify roads and trails to add or remove recreational uses.

A Program EIR is being prepared to evaluate the potential environmental effects of the proposed Program. The Program EIR is being prepared in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

California State Parks is the Lead Agency for the Program, as defined by CEQA. The project description, location, and possible environmental effects are included with this notice. We are now seeking input from agencies, organizations and the public to further define the project, develop alternatives, and discuss potential environmental impacts and mitigations.

CALIFORNIA STATE PARKS CONTACT PERSON FOR QUESTIONS ABOUT THE PROGRAM:

Gary Waldron, Environmental Program Manager
California State Parks
Northern Service Center
One Capitol Mall, Suite 410
Sacramento, California 95814
Telephone: (916) 445-8772
Email: gwald@parks.ca.gov

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SEND COMMENTS ON THE SCOPE OF THE PROGRAM EIR TO:

Heidi West, Environmental Coordinator
 California State Parks
 Northern Service Center
 One Capitol Mall, Suite 410
 Sacramento, California 95814
 Fax: (916) 445-8883
 Email: ceqansc@parks.ca.gov (Subject Line: Change In Use)

Due to time limits mandated by State law, please submit comments to the Contact below **no later than November 30, 2010**. Include the full name, telephone number with area code, and email address of a contact person for your agency or organization with each submittal.

PUBLIC SCOPING MEETINGS:

Affected agencies, organizations, and the public are invited to scoping meetings to be held at the following dates, times, and places. These scoping meetings also meet the requirements in Section 15082(c) of the State CEQA Guidelines.

Saturday, September 25, 2010
 1:00 to 4:00 pm open house
 Program presentation at 2:00 pm
 Candlestick Point State Recreation Area
 1150 Carroll Avenue
 San Francisco, CA 94124

Saturday, November 13, 2010
 1:00 to 4:00 pm open house
 Program presentation at 2:00 pm
 Lake Activities Building
 Lake Perris State Recreation Area
 17801 Lake Perris Drive
 Perris, CA 92571

PROJECT DESCRIPTION:

This Program applies to decisions that are made for the addition or removal of different types of non-motorized uses of a State Park System road or trail. These types of use may include: pedestrian, accessible pedestrian, wheelchair, equestrian, mountain bike, road bike, in-line skating, or other unidentified non-motorized uses not currently recognized as potential road and trail use types.

Potential project actions that may result from recommendations for a change-in-use type include: reconstruction or rehabilitation of an existing road or trail prism; installation of speed control or separation devices to protect different user types; minor rerouting of trail alignments to correct otherwise unsustainable road and trail grades, or to resolve an existing environmental problem; installation of hardened surfaces, such as, but not limited to, aggregate surfacing, rock armoring, wooden boardwalks or puncheons and bridging; closure, decommissioning, and restoration of existing roads and trails; conversion of roads to trails; and trailhead, point of access, and parking improvements related to changes in recreational road or trail use.

In general, project actions that are eligible for coverage by the program would involve modifications within the corridor of an existing road or trail. Construction would be limited to the existing disturbed area of the road or trail and adjacent lands.

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Any proposed project actions that are taken with regard to trails and roads qualifying for change-in-use as a result of the application of the proposed Trail Use Change Process will be required to meet Standard Project Requirements (i.e., environmental protection features) established for trail projects with the objective of making them as "self-mitigating" as feasible. These Standard Project Requirements have been developed to protect resources and avoid impacts to cultural and natural values that may be affected by any of the trails project actions. The complete list of Standard Project Requirements for trails will be included in the Program EIR.

Standard Project Requirements include measures to avoid and minimize environmental effects that are incorporated into the design of a trail project. The requirements can be defined as a result of detailed testing, inventories, studies, and documentation that performed before any surface disturbing activity occur as part of the road or trail modifications approved through the change-in-use process. They also include project construction activities that must be used, such as vegetative removal strategies, dust and erosion abatement techniques, seasonal and soil moisture restrictions for construction, and appropriate resource avoidance methods. The Standard Project Requirements also set inspection and maintenance standards for construction activities on trails to avoid environmental problems associated with earthquake damage, flooding, spill prevention, and storm water pollution prevention.

PROJECT LOCATION:

The Road and Trail Change-in-Use Evaluation Process could be applied to roads and trails in all state parks, state recreation areas, and state beaches of the California State Park System that are owned and managed by the state. The analysis will be organized in the context of the 10 bioregions established by the California Biodiversity Council in order to characterize environmental effects of road and trail change-in-use proposals in the relevant context of different ecosystems.

PROBABLE ENVIRONMENTAL EFFECTS:

The Program EIR will identify and describe the potential environmental effects associated with implementing the Road and Trail Change-in-Use Evaluation Process. Mitigation measures will be identified that may reduce or eliminate potentially significant and significant effects. The following environmental topic areas may be affected by the proposed program, which will be addressed in the Program EIR:

- Terrestrial Biological Resources
- Aquatic Biological Resources
- Geology, Soils and Minerals
- Hydrology, Water Quality, and Erosion/Sedimentation
- Cultural Resources
- Hazards and Hazardous Materials
- Aesthetics and Views
- Transportation
- Greenhouse Gas/Climate Change/Energy Resources
- Air Quality
- Noise
- Public Services and Utilities

INTENDED USES OF THE PROGRAM EIR:

The Road and Trail Change-in-Use Evaluation Process EIR is a Program EIR under Section 15168 of the State CEQA Guidelines. Later activities that are consistent with the program evaluated in this EIR can

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benefit from streamlining of the CEQA process. As new site-specific actions are proposed in park units under this program, California State Parks will use a checklist to document the evaluation of the site and the actions proposed to determine whether the environmental effects are covered in this Program EIR. If the evaluation process confirms that no new effects would occur and that no additional mitigation measures would be necessary, California State Parks can approve the actions as being within the scope of the Program EIR, and no new environmental document would be required. If additional significant impacts not addressed in this Program EIR are identified, they will be evaluated in later, project-specific CEQA documentation, in accordance with the State CEQA Guidelines.

EXHIBIT B

Trail Use Change Survey

Version 1-July 2008

Park (Including Classification): _____

Trail Name: _____

Location in Unit: _____

Current Use Designation(s): _____

Proposed Use Type Change: _____

Use Change Initiated By: _____

Evaluation Date: _____



Evaluation Criteria

	Yes	No
Based on Criteria, is this Use Change Compatible?	<input type="checkbox"/>	<input type="checkbox"/>
Based on Criteria, does this Use Change Enhance Circulation?	<input type="checkbox"/>	<input type="checkbox"/>
Based on Criteria, will this Use Change Decrease Trail Safety?	<input type="checkbox"/>	<input type="checkbox"/>
Based on Criteria, is the Trail Sustainable Under Existing Use Conditions?	<input type="checkbox"/>	<input type="checkbox"/>
With the Proposed Use Change Will the Trail be Sustainable	<input type="checkbox"/>	<input type="checkbox"/>
Based on Criteria, will the Proposed Use Change Create Negative Impacts	<input type="checkbox"/>	<input type="checkbox"/>
to the Natural or Cultural Resources?	<input type="checkbox"/>	<input type="checkbox"/>
Will the Proposed Use Change and/or Modifications to the Existing Trail	<input type="checkbox"/>	<input type="checkbox"/>
Create Significant Facility Maintenance or Operational Work Load?	<input type="checkbox"/>	<input type="checkbox"/>
Are there other Routes in the Unit or on Nearby Public Lands that Adequately	<input type="checkbox"/>	<input type="checkbox"/>
Accommodate the Type of Trail Use Proposed?	<input type="checkbox"/>	<input type="checkbox"/>
Would needed modifications trigger outside agency permits?	<input type="checkbox"/>	<input type="checkbox"/>

Summary Criteria Evaluation Based on the
Synthesis of Data from the Following Pages

Insert Map of Area of Proposed Use Change

Recommendation Based on Evaluation Criteria - Substantiate in Comment Box

Recommend that the Park's General Plan or Road and Trail Management	<input type="checkbox"/>	<input type="checkbox"/>
Plan be Developed or Amended to Evaluate this Change in Use	<input type="checkbox"/>	<input type="checkbox"/>
Recommend that the Proposed Change in Trail Use be Approved	<input type="checkbox"/>	<input type="checkbox"/>
Recommend that the Proposed Change in Trail Use be Approved After	<input type="checkbox"/>	<input type="checkbox"/>
Design Modifications are Implemented:	<input type="checkbox"/>	<input type="checkbox"/>
Recommend that the Major Reroute be Considered to Accommodate	<input type="checkbox"/>	<input type="checkbox"/>
Proposed Change in Use	<input type="checkbox"/>	<input type="checkbox"/>
Recommend that the Proposed Change in Trail Use be Approved with	<input type="checkbox"/>	<input type="checkbox"/>
Management Options such as: Alternating Days of Use, One Way Travel,	<input type="checkbox"/>	<input type="checkbox"/>
Seasonal Closures etc.	<input type="checkbox"/>	<input type="checkbox"/>
Recommend that the Proposed Change Use be Put on Hold - See Comment	<input type="checkbox"/>	<input type="checkbox"/>
Box Below	<input type="checkbox"/>	<input type="checkbox"/>

Trail Use Change Survey

Version 1-July 2008

Comments:

Evaluation Team Members:

Multiple trail route use change proposals in one unit may recommend development or amendment of a unit wide road and trail transportation management plan.

Qualified Department District Staff, including a DPR Trained Trail Coordinator will complete this survey and checklist to:

- (1) Determine the sustainability, trail user safety and feasibility of a proposed change in allowed uses for a single existing trail.
- (2) Determine the appropriateness of proposed use change in relation to cumulative impacts to the existing uses (users, routing, hiking opportunities, etc)
- (3) Support and Document the Request with a Project Evaluation Form and associated CEQA document.
- (4) Validate the existing conditions described on the attached trail log. The trail log should address typical log elements and positive and negative attributes related to the evaluation criteria.

Evaluation Criteria		Yes	No	Comments
#1 Existing Conditions				Describe positive and negative impacts of the proposed change and any other details related to the question to assist decision is made . Put N/A in "No" section for criteria not applicable to trail evaluated.
Check any existing conditions:				
1.1	Does the Park Unit have a General Plan?			
1.2	If Yes, does it address specific trail uses or other management directive supporting the proposed use change			
1.3	Is the "Trail" Proposed a Controlled Access Road			
1.4	Does the Park have an approved road and trail management plan?			
Trail or Road Surface Type:		Check Applicable		
1.5	Asphalt			
1.6	Concrete			
1.7	Gravel			
1.8	Native Material			
Trail and Road Facility Use Type				
1.9	Public			

Trail Use Change Survey

Version 1-July 2008

Evaluation Criteria		Yes	No	Comments
1.10	Administration			
1.11	Fire Break			
1.12	Motorized Recreation			
1.13	Non-Motorized Recreation			
1.14	ADA Accessible Route of Travel			
1.15	Does the proposed route connect to a Trail Head or other Accessible Facility?			
1.16	Road Used as Trail Route			
	Trail Specific Facility Use Type			
1.17	Trail Class I, II, III, IV			Enter Trail Classification Here - Not Yes or No
	Current Trail Uses Allowed (on road or trail)	Yes	No	
1.18	Pedestrian			
1.19	Mountain Bike			
1.20	Equestrian			
1.21	Other - Specify in Comment Box			
#2 Compatibility for Multi-User Trails				
Check any existing conditions:				
2.1	Would the proposed use change create incompatible conflict with existing facilities (trail heads, stables, campgrounds etc)?			
2.2	Is it located on a trail already in a high use area and are there resource impacts?			
2.3	Is there significant user conflict?			
2.4	Is there evidence of unauthorized use?			
2.5	Is it consistent with park classification?			
2.6	Does the Proposed Use Currently Exist in the Park?			
2.7	Is there documented survey or statistical information that identifies a need for proposed additional use designation?			
2.8	Is the existing trail considered ADA accessible by US Access Board?			
2.9	Based on Above Criteria, Is this Use Change Compatible?			
#3 Affects to Trail Unit User Circulation Patterns				
Check any existing conditions:				
3.1	Does the proposed use change provide a loop or semi loop connection?			
3.2	Does the change provide a legal or legitimate route for existing unauthorized trail uses or user created trail?			

Trail Use Change Survey

Version 1-July 2008

Evaluation Criteria		Yes	No	Comments
3.3	Does the change provide a connection to adjacent land agency which allows similar use?			
3.4	Does it improve circulation or relieve congestion on other high use or at capacity trails?			
3.5	Does it create potential additional use changes on surrounding/adjacent or connecting trails or facilities?			
3.6	Does it require a seasonal closure to mitigate resource impacts?			
3.7	If yes, will seasonal closures disrupt circulation patterns?			
3.8	Based on Above Criteria, Does this Use Change Enhance Circulation			
#4 Effects to Trail Use Safety				
Check any existing conditions:				
4.1	With standard cyclic trail brushing (as required by the trail Class), is there adequate site distance for safe warning for the proposed use change?			
4.2	With standard cyclic slough and berm removal, is there adequate tread width for safe passage for the proposed multi-user designation?			
4.3	With equestrian multi-use, are tread widths safe for the pedestrian, mobility devices and/or bike user to retreat to the downhill side of trail?			
4.4	If tread widths for equestrian use is narrow, are the fill slopes gentle, firm and stable for the pedestrian, mobility devices and/or bike user to retreat to the downhill side of trail?			
4.5	Does the trail have sinuosity that slows bike users?			
4.6	Can sinuosity be designed into existing trail tread alignment to slow bike users?			
4.7	Does the use change require removal of special concern plant species to maintain adequate trail widths and sight distances?			
4.8	Would use type change existing conditions or cause problems for enforcement of park rules and regulations?			
4.9	Would use type change existing conditions or cause problems for emergency response?			
4.10	Would alternating days of use reduce the change of use impacts to reduce safety concerns?			

Trail Use Change Survey

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Evaluation Criteria		Yes	No	Comments
4.11	Based on Above Criteria, Will this Use Change Decrease Trail Safety?			
#5 Effects on Trail Sustainability				
Check any existing conditions:				
5.1	Are trail grades commensurate with soil types, use type, season use and facilitate natural hydrologic drainage patterns such as sheet flow?			
5.2	Is the trail drainage being captured and released on hillsides and not at natural topographic drainage features?			
5.3	Trail tread firm and stable?			
5.4	Are there abrupt changes in trail running grade?			
5.5	Is the fill slope stable?			
5.6	Is the back slope/cut bank stable?			
5.7	Does the trail tread remain firm and stable in wet conditions?			
Supporting Data From Trail Log				
5.8	Number of Water Bars required for proper drainage			
5.9	Lineal Footage of Berms			
5.10	Lineal Footage of Ditches			
5.11	Lineal Footage Rills and Ruts			
5.12	Lineal Footage log Entrenched Trail			
Describe the locations and different types of soil types and matrix encountered on trail				
5.13	Rocky			
5.14	Rocky/Partial Soil Profile			
5.15	Full Soil Profile			
5.16	Partial Soil Profile/Sandy			
5.17	Sandy			
5.18	Based of Above Criteria, is the Trail Sustainable Under Existing Use Conditions?			
5.19	With the Proposed Use Change, will the Trail be Sustainable?			
If Not Sustainable, Can Any of the Following Measures be Implemented to Make the Trail Sustainable for the Proposed Use Change?				

Trail Use Change Survey

Version 1-July 2008

Evaluation Criteria		Yes	No	Comments
Minor reconstruction of trail tread would:				
5.20	Correct lack of outslope			
5.21	Eliminate abrupt grade changes			
5.22	Stabilize unstable cut bank			
5.23	Stabilize unstable fill slope			
5.24	Correct rilling, rutting			
	Provide for firm and stable surfaces			
5.25	Minor realignment of trail within immediate existing trail proximity would:			
5.26	Stabilize unstable cut bank			
5.27	Stabilize unstable fill slope			
5.28	Eliminate abrupt grade changes			
5.29	Correct unsustainable grades			
5.30	Correct Lack of sinuosity			
5.31	Based on Above Criteria, Can the Trail be Made Sustainable for Proposed Use Conditions?			
5.32	Can wet weather closures establish or maintain Sustainability?			
5.33	Should a Major Reroute be Considered to Establish Sustainability?			
#6 Effects or Impacts to the Natural or Cultural Resources				
Would proposed use change and/or needed modifications significantly impact:				
6.1	erosion of existing Trail Tread?			
6.2	geologic conditions?			
6.3	sensitive wildlife habitat?			
6.4	sensitive vegetation habitat?			
6.5	a riparian or stream environment zone			
6.6	a sensitive historic feature?			
6.7	Is the Trail a historic feature?			
6.8	Based of Above Criteria, Would the Proposed Used Change Create Negative Impacts to the Natural or Cultural Resources?			
#7 Effects or Impacts to the Facility Maintenance and Operational Costs				
Would proposed use change and/or needed modifications:				

Trail Use Change Survey

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Evaluation Criteria		Yes	No	Comments
7.1	Change the current classification of the trail?			
7.2	Create the need for fill slope or cut bank retaining walls?			
7.3	Require aggregate or other trail hardening techniques required to maintain tread stability?			
7.4	Require additional or upgrading of turnpikes or causeways?			
7.5	require additional bridges or puncheons?			
7.6	Require additional maintenance to maintain current existing conditions?			
7.7	Require additional management practices to maintain user compliance?			
7.8	Could the proposed modifications be completed by non-department work forces?			
7.9	Could the proposed modifications be maintained by non-department work forces with no cost to State Parks?			
7.10	Are durable pinch point native materials readily available?			
7.11	If alternating days of use by user type is a management practice, is alternating days of use able to be enforced?			
7.12	Will the Proposed Use Change and/or Modifications to the Existing Trail Create Significant Facility Maintenance or Operational Work Loads?			

EXHIBIT C

11/29/2010

Bioregions of California

[Home](#) » [Resources](#) » **Bioregions**

BIOREGIONS of CALIFORNIA



For a printable map of California's bioregions please go to the [FRAP website](#).

How did the CBC decide on these bioregions? You can find out by reading [this pdf document](#).

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Interagency Natural Areas Coordinating Committee (INACC)
Working Bioregions

The Agreement on Biological Diversity calls for a state, bioregional, and watershed/landscape approach to conserving biological diversity. The California Biodiversity Council has not formally defined bioregional boundaries because this is best left up to those individuals living in each bioregion. In many cases, fuzzy boundaries may be most appropriate, depending on the specific issues being addressed.

To provide some guidance on bioregions, the Biodiversity Council has made reference to INACC bioregion boundaries. These INACC bioregions were defined as part of a process to improve communication and coordination among public and private organizations. INACC's intention was to outline regions that contained unique mixes of biodiversity and public agency responsibilities.

The 10 INACC bioregions were initially based on the state's major physiographic provinces. Several different variations of these provincial classifications exist, but they all tend to follow the basic eleven areas outlined below.

In some areas, bioregional boundaries were modified to minimize splitting up a major public land management unit. This modification was necessary to accomplish the goal of efficiently improving communication among agencies. For example, although the Klamath National Forest occurs in both the Klamath/North Coast and Modoc provinces, it is inefficient to ask the Forest staff to attend two different bioregional meetings. It made more sense to extend the Klamath/North Coast bioregion eastwards to include all of the Klamath National Forest.

The decision on which jurisdictional boundary to use as a modifier was based on which agency had the greatest local presence. In most cases, this was either the USDA Forest Service (USFS) or Bureau of Land Management (BLM). In areas with little public land, such as the Bay/Delta, county lines were more influential.

Listed below are the major features upon which the INACC bioregional boundaries are based. Please refer to the two attached maps, which describe the major public land management units, watersheds and selected habitats contained in each bioregion.

KLAMATH/NORTH COAST

Description: Bounded on west by coastline and on the north by Oregon border. Extends eastwards to include all of Klamath National Forest and Shasta-Trinity National Forest and the entire North Coast Range (down to Sacramento Valley floor). Bounded on south by southern limits of Lake and Mendocino counties.

MODOC

Description: Bounded on north by Oregon border and on the east by Nevada border. Extends west to include all of Modoc National Forest and Lassen National Forest, plus additional lands extending down to Sacramento Valley floor. Bounded on south by southern limits of Lassen National Forest and Lassen County.

SACRAMENTO VALLEY

Description: Western, northern and eastern limits are the edges of the valley floor (essentially where the blue oak woodland starts). Southern limit is the northern edge of the Sacramento-San Joaquin Delta.

BAY/DELTA

Description: Essentially the immediate watershed of the Bay Area and the Delta, not including the major rivers that flow into the Delta. Bounded on north by northern edge of Sonoma and Napa counties and the Delta and extending east to the edge of the valley floor. Bounded on the south by the southern edge of San Joaquin County, the eastern edge of the Diablo Range, the southern edge of Santa Clara and San Mateo counties.

SIERRA

Description: Bounded on north by northern edge of Plumas National Forest. Western edge is the Sacramento Valley floor. Bounded on the east by the Nevada state line and the western edge of BLM's California Desert Conservation Area. Bounded on west by the Sacramento and San Joaquin Valley floor, south to Tejon Pass in the Tehachapi Mountains.

SAN JOAQUIN VALLEY

Description: Bounded on north by the southern edge of the Delta, and on all other sides (west, south, east) by the San Joaquin Valley floor. The one major exception to this is the southwestern extension to include the Carrizo Plain and BLM-managed lands in the Caliente Resource Area (eastern San Luis Obispo county).

CENTRAL COAST

Description: Bounded on north by the northern limits of Santa Cruz and San Benito counties, and on the east by the San Joaquin Valley floor and the Carrizo Plain. The southeastern limit is the eastern and southern edges of the Los Padres National Forest. The western edge is the coastline.

MOJAVE

Description: Bounded on west by western edge of BLM California Desert Conservation Area and on east by Nevada state line. Bounded on south by the northern base of the San Gabriel and San Bernardino Mountains, the southern edge of Joshua Tree National Monument, and the southern edge of San Bernardino County (between Joshua Tree and Nevada state line).

SOUTH COAST

Description: Bounded on north by southern edge of Los Padres National Forest and the northern base of San Gabriel and San Bernardino Mountains. Bounded on east by western edge of BLM California Desert Conservation Area and on south by Mexican border.

COLORADO DESERT

Description: Bounded on west by western edge of BLM Desert Conservation Area and on north by southern edge of Joshua Tree National Monument and the southern edge of San Bernardino County. Bounded on east by Arizona state line and on south by Mexican border.

EXHIBIT D

**Impact of Mountain Biking –
Palos Verdes Nature Preserve**

[Forwarded separately due to file size]

The following pages show some of the impact that mountain biking has had and continues to have in the Palos Verdes Nature Preserve in Rancho Palos Verdes, CA.

This was prepared in an effort to inform decision makers what they can expect if they decide to permit mountain biking in Los Angeles city parks.

Mountain bikers have carved numerous trails in the Palos Verdes Nature Preserve, often down steep hillsides, over cliff faces, across pillow lava, over natural or built up “bumps,” and through slow-growing native vegetation. Such trails, and their continued use, have had an adverse impact on the topography, the habitat, animal life, and other users in the Preserve. Land managers’ (and volunteers’) efforts to restore damaged habitat, close off unauthorized trails, and eliminate safety hazards have repeatedly been thwarted by vandalism, destruction of mitigation efforts, and disregard of signs, warnings, physical closures, and reroutings.

A number of people have been hit by mountain bikers in the Preserve. Many people tell of having been startled by mountain bikers speeding past. And many people simply no longer hike or ride their horses in the Preserve, for fear of being hit by a mountain biker or having their horse throw them after being spooked by a mountain biker.*

*Dozens of people have submitted written correspondence and spoken up at Rancho Palos Verdes City Council meetings to inform decision makers of these experiences with mountain bikers.



Photos above are from 2006 and show mountain bikers using trails they carved over a low cliff to create a favorite jump spot. Below, a more recent photo of the same area shows the damage that has been done to topography and habitat. The mountain bikers also pose a hazard to others using the primary, wide, authorized trail (at bottom left, below).



Recognizing the hazard of the jump spot pictured on the preceding page, in order to block access to it, a post and rope blockade was installed by volunteers under the land manager's supervision. Bicyclists continued to go over and around it to access the jump spot. Cactus were installed. Over several months, the cactus and the post and rope were repeatedly removed, then repeatedly replaced by volunteers.



Photo at left shows the cactus installation at the access to the jump spot pictured on the preceding page. Photo at right shows many of the cactus have been uprooted. Several times the post and rope blocking access was taken out, then replaced.

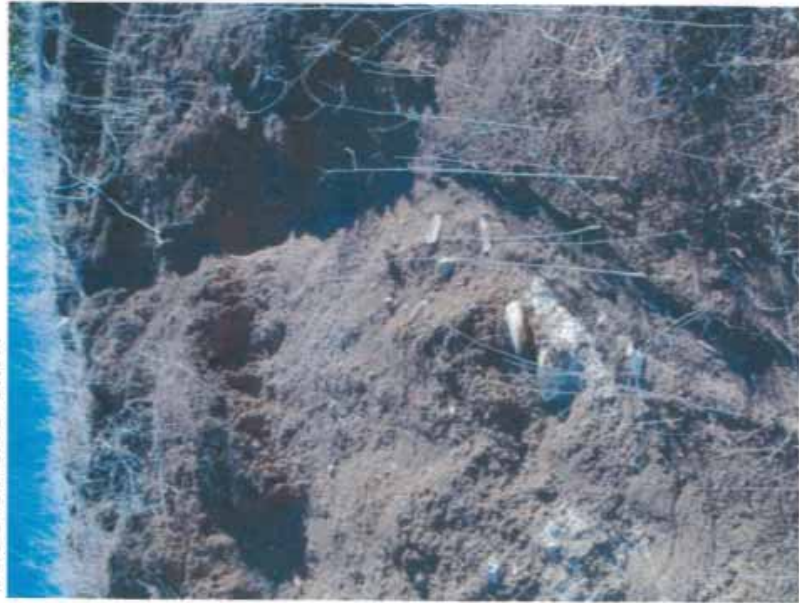


November
2008

Eventually the rope blocking access was cut (photo at left) and virtually all cactus were removed. August 2009



The photo at right shows bike riders jumping off another cliff near the entrance to the Portuguese Bend Reserve, part of the Palos Verdes Nature Preserve. Again, they land on a heavily used, authorized trail at the base of the cliff.



The photo at left shows the beginnings of another trail being carved down a steep hillside.

Yet another example of trails carved by bicyclists over a steep cliff side and into habitat below.



Point of reference



The photo below shows a mountain biker who came off the jump pictured on the preceding page and is riding down the unauthorized trail network pictured in greater detail on the following pages. May 2009





The photos above show just part of the damage done by mountain bikes carving up the habitat and displacing fragile soils beneath the jump pictured in the preceding photos.



These photos show more of the damage beneath the jump pictured on the preceding pages.

A typical scenario: The rider (pictured right) came down from the unauthorized trail network pictured on preceding pages (hidden from much of the Preserve's authorized trail system), continued down the unauthorized trail below left, across the heavily used authorized trail (below right), and cut into the side brush as evident from the track in the photo below right.



He then looped back around to ride the same unauthorized trail network again within less than 10 minutes.
May 2009

Not all jumps are high.



The photos above and at right show the two ends of a short trail formed off the primary, authorized trail. This type of trail made to take advantage of a particular feature in the Preserve is illegal, yet occurs repeatedly in the Preserve.



January
2007

Despite rules put in place to prohibit this sort of thing, it continues.



Above, another unauthorized trail is being formed over a bump to the right of an existing, authorized trail. May 2009.



Above is yet another example of a trail created up over a rise to the left of an existing, authorized trail, again putting at risk other trail users coming around the bend and damaging the natural contours of the land.



Not all jumps are naturally occurring.



These photos demonstrate how dirt piled on rocks, sandbags, wood and other filler can be built up to form doubles and triples, sometimes on a trail, sometimes off to the side.

Mountain bikers have carved numerous trails in the Preserve, down steep hillsides, over cliff faces, and over natural or built up “bumps” in an effort to add speed and technical challenges to their rides.



It may be fun for the mountain bikers riding such trails, but it has damaged plant life, intersected habitat, and created a safety hazard for users of the authorized trails. Above is another example of an unauthorized trail running down the hill (from the left), across the primary trail and on down the hill on the opposite side, creating a safety hazard for others.

These photos show another area of the Preserve that has many unauthorized trails, which continue to be heavily used by mountain bikers because they are technically challenging. In addition to the native vegetation here, what makes the area special are the area's unique geological features. Many of those features have been destroyed or irreversibly damaged by mountain biking.





Mountain bikes have caused irreversible damage to rock formations in the geologically sensitive pillow lava area of the Preserve.



The above photo demonstrates the trenching that can occur when a trail characterized by dry, powdery soil sees considerable use by mountain bikers. July 2009

Not all of the trails made by mountain bikers were intentional.

Some were made accidentally by mountain bikers who lost control and veered or skidded off trail.

Biker down.



At the point where the tracks go off trail in each of the photos below, there is a curve after a downhill section. Mountain bikers often fail to slow before the curves and ride off the trail.



In the Palos Verdes Nature Preserve, there is an approved trails plan. Approved trails are marked to indicate which trails are available for use by equestrians, pedestrians, and/or mountain bikers.



All but one of the trails in the above network are illegal.



New, illegal trails continue to be forged.
July 30, 2009

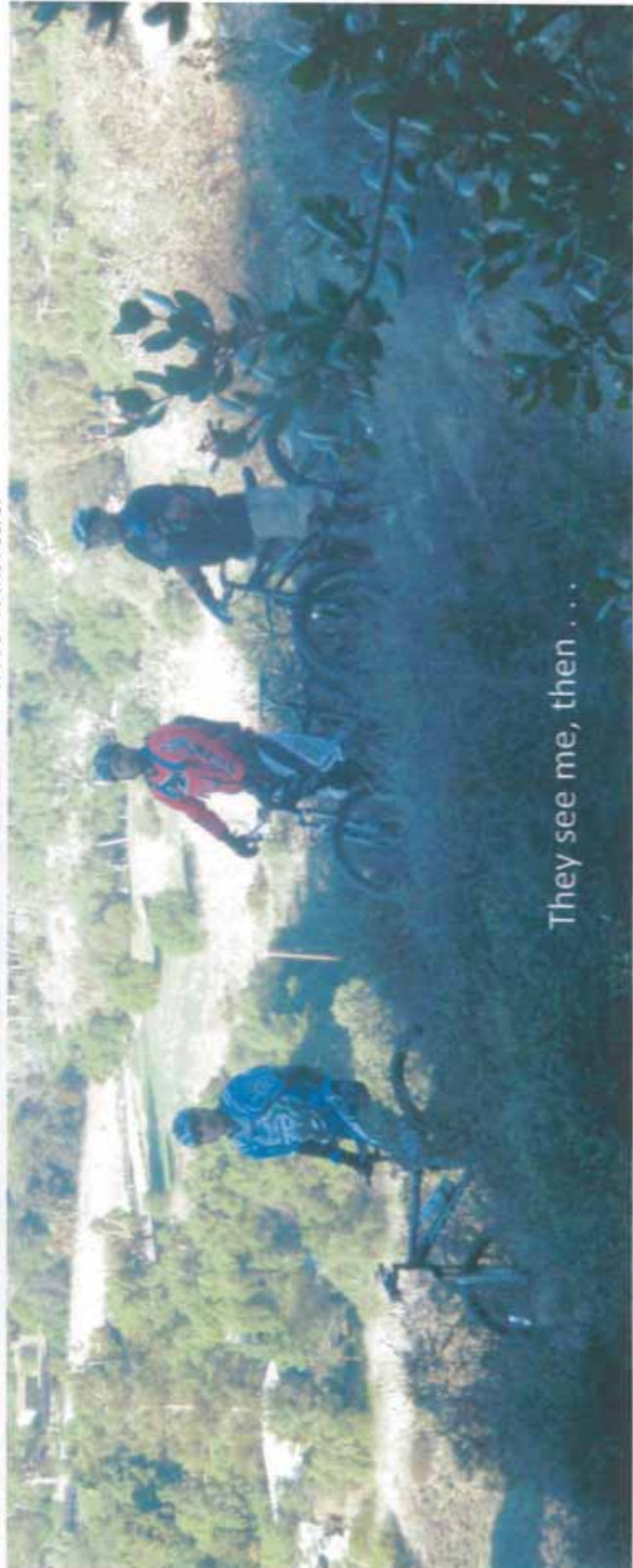
Once a trail is formed, it's very difficult to close it off and return the trail bed to it's natural state. Closing off unauthorized trails involves a lot of work which is often thwarted by bikers' attempts to take back such trails. The photo below, left, shows one fairly successful effort to block access to an unauthorized trail, but it took several attempts and many hours of labor and the result detracts from the natural environment. In the rare instances that unauthorized trails are abandoned and have the chance to grow back spontaneously, what grows in place of the original, high quality native vegetation is oats and other non-native, invasive species, as seen below, right.



The riders in these photos came to this area on pedestrian equestrian only trails (marked "no bikes"), then rode down trails that are not in the approved trails plan, then rode into the habitat.



Riding down unauthorized trails , then into habitat.



They see me, then . . .

... after seeing me, they
turn around.



I can hear the
vegetation being
crushed beneath them.



Mountain bikers riding down a trail labeled for pedestrian equestrian use only, no bikes.

July 30, 2009 at about 6 PM

Again, it is evident that they know they shouldn't be here. When they see me, someone says "she's got a camera" and they turn and ride down another trail.



These mountain bikers may think that they aren't doing any harm—that they are riding through a weed patch or “dead stuff.” Much of the vegetation here is dry and brown and appears to be dead for a good part of the year. It is merely dormant. In addition, where there are patches of non-native “weeds,” there is also a seedbed of wildflowers.



In these photos the wildflower known as Pearly White attempts to gain a foothold.

And of course there is other wildlife disturbed here. . . .



Humans and plant life aren't the only ones to be at risk when sharing the trails with mountain bikers in the Preserve. The photo at right shows a baby snake on a trail in the Preserve. (close up below)



Note the nearby bicycle tracks and consider what the likelihood is that the rider would see this little guy and be able to stop or veer away. Consider what the likely result would be if the snake had been a few inches further over to the center of the trail at the moment the bike passed by.



That baby snake was lucky.
These rabbits weren't so lucky.



Unsure about this one? See the next page.

The rabbit pictured below was found dead, just off to the side of a trail that winds down a hillside and is popular with mountain bikers. It appeared to have been hit with some force that likely broke its neck and knocked it into the dry mustard stalks just off the trail. There was no evidence that it had been attacked by an animal. Its fur was unmarred.



Another, this time a baby, found completely intact, just to the side of a trail at a bend where mountain bikes travel fast.



Some say maybe a fox or coyote attacked this little guy. If that were the case, wouldn't you expect the predator to have taken at least a little nibble?



Ask yourself where you would go if these mountain bikers were riding toward you fast on this narrow trail. It is not approved for bike use and yet mountain bikers ride here every day. This photo was taken one day when I was hiking with my two young daughters. These two mountain bikers were riding fast around a curve toward us. My girls were ahead of me at a point in the trail just beyond this which is a bit wider, so fortunately were not hit. On another occasion, on another trail, one on which mountain bikers are permitted, I wasn't so lucky. I saw the mountain biker coming and, when I had my back turned to him as I looked for snakes in the brush to see if it would be safe to step off the trail and out of his way, he sped by and hit me. I wasn't injured, physically, but what about the next time?

Several of the most vocal members of the mountain biking community have attempted to paint a picture of mountain biking that is much different from the way they engage in the sport. They want to paint it as a leisurely activity in which participants are out to enjoy nature. They want to paint a picture of families out riding together, as families might stroll through the hills on foot together. No doubt there are some mountain bikers who are content to ride in that manner. From what I've seen, more often than not, mountain biking is an aggressive, hard-driving sport in which participants challenge themselves and others to take on nature.

Those riders and that sport drive technology for increasingly sophisticated gear, with heavy duty shocks and tires to facilitate speed over difficult terrain and heavy duty protective gear for riders who fall. That technology is designed with the riders' needs in mind. It doesn't take into account the impact that increased speed and ability to be aggressive on trails has on other trail users.

It is vital that decision makers understand the impact mountain biking has on limited resources and it is vital that they understand that mountain biking, in general, brings an entirely different state of mind than that of most visitors to the Preserve and similar areas—those who come for the peaceful, tranquil setting away from the stress, intensity, and pressures of city life.



EXHIBIT E

Trail wars at Annadel State Park

8 [comments](#)  [related articles](#)

By JULIE JOHNSON
THE PRESS DEMOCRAT

State Park Ranger Bob Birkland drove slowly, squinting into the early-evening sun as he crested a hill above the old Gordenker Quarry at Annadel State Park.

The 13-year Annadel veteran jammed on the brake, jumped out of the white state pickup and disappeared into a wall of gnarled manzanita brush. Several minutes later, he re-emerged.



Annadel State Park Ranger Bob Birkland pauses at an embankment of logs, branches and forest debris used mostly by mountain bike riders. "We need to give wildlife a break, they need a quiet area," referring to the proliferation of illegal trails. (Kent Porter / The Press Democrat)

"This is brand-spanking new," Birkland said, gesturing behind him at a small opening in the brush. "This is a brand-spanking new illegal trail."

Illegal trails, those carved out for off-trail sport or hiking, are becoming so common that they just about double the number of legitimate ones at 5,000-acre Annadel, park officials said.

The pace of the mountain biking boom, when combined with cuts to state park budgets, have crippled the efforts by park employees to effectively manage the demands of outdoor enthusiasts with those of mandates to protect the park.

Annadel officials say that bicyclists, who make up the dominant user-group at the park, are at the forefront of the move to get off the marked trails and into the delicate ecosystems and archeological sites of the park's hinterlands.

"People love the park so much, but they can love it to death," Birkland said.

For cyclists, a ragged trail system in need of repair has lured people off sanctioned trails onto uncharted animal trails and overgrown roads left behind from generations of miners, ranchers and cobblestone quarry workers who worked the land before it was set aside for conservation in 1970.

"There's a whole network of trails that are so much more pleasant to ride on," said Jim Keene, longtime cyclist and general manager of NorCal Bike Sport and the Bike Peddler in Santa Rosa. "There's a focus on law enforcement to try and stop the proliferation of illegal trails, but from my point of view, it's a losing battle."

About 44 miles of state-maintained trails wind through Annadel, a sprawling haven for outdoor enthusiasts that juts into Santa Rosa city limits.

If people are injured in an unmarked area, it can delay medical aid while rangers try to find them, Birkland said.

Ecologists have developed a science of trail building to minimize damage to ecosystems, said Cyndy Shafer, an environmental scientist with the state's Diablo Vista District, which includes about a dozen parks in five counties, including Annadel.

Some areas are closed to contain the spores of sudden oak death pathogen. People who go off-trail at Annadel can carry the spores to unaffected areas of the park. she said.

When enough people go off trail, they can damage archeological sites, destroy endangered plants and cause erosion.

"The impacts can occur downstream of the parks as well," Shafer said. "Sediment and soil in the creeks is natural to a point, but when you have an increased amount then soil actually becomes a pollutant to a creek."

The park includes a rare, intact oak forest and is the home to numerous at-risk species, including the threatened California red-legged frog and an endangered aquatic grass, called *Sonoma Alopecurus*, Shafer said.

"So much land has been developed in California, the state parks are the refuges for a lot of species," Shafer said. "Whether they're threatened or not, the wildlife and vegetation in these parks are very important."

Annadel is one of the few California parks where all trails except for a one-mile stretch, are multi-use trails, meaning people on horse, bike or foot can use them, said Birkland, the park ranger.

That has made it a destination for cyclists such as Linda Pomeroy, 49, and her fiance, 53-year-old Roger Lindsey, who headed up Canyon Trail for a two-hour technical ride navigating rocks, sharp turns, steep runs and single-track routes.

"I will fall sometime today," said Pomeroy, who works for Catholic Charities and lives in Santa Rosa.

Armed with full-face helmets and squeaky horns to warn hikers and horseback riders of their approach, Pomeroy said she and Lindsay try to stick to sanctioned paths.

"A true mountain biker is also a conservationist," Pomeroy said.

But evidence of other types of cyclists are plentiful. These are the people who ignore the "closed" signs posted on red fiberglass posts, who lug tools into the park to chop logs and dig up dirt to build jumps, ramps and other features for their hidden obstacle courses.

Birkland recently discovered a 2½-mile illegal trail running through a thick pine forest off the marked Lawndale Trail. Neatly cut logs formed multiple ramps, dead branches outlined a sharp turn and a pile of dirt created a steep jump.

“These guys are talking about not having a trail that’s aggressive enough,” Birkland said. “When you have 44 miles of trails built for you, why do you need to carve up your own?”

Down the path, Birkland spotted a man sitting on a fallen tree in a clearing. “Hello sir, are you aware you’re on an illegal trail?” Birkland called down to the man.

The hiker, startled, grabbed his walking stick and said he’d just stopped to rest. He headed back toward the trail.

Hikers and horseback riders also go off-trail, Birkland said. But bikers are far more numerous and so their tracks are more damaging.

Keene, the cycle shop owner, said the state could have a legion of willing cyclists volunteer to help maintain trails if it wanted them. He compared it city officials who combat graffiti by inviting artists to paint murals. His businesses raised \$4,000 for Annadel at a fundraiser party during the Tour of California.

“I don’t feel that most people would feel the need to build illegal trails if they had really good ripping trails in the first place,” Keene said.

Gov. Arnold Schwarzenegger last year cut the state park budget by \$14.2 million, reducing maintenance and equipment replacement funds by 50 percent. His proposed budget for next fiscal year would restore those funds.

For now, though, the staff for the Sonoma Valley’s three state parks, Annadel, Sugarloaf and Jack London, have been cut in half, said Supervising Ranger Neill Fogarty. There’s often just one ranger on duty to patrol the three parks, he said.

Retired Ranger Bill Krumbein, who patrolled the park from 1973 to 1996 and wrote a book on the park’s history, is leading a campaign for passage of Proposition 21 on the November ballot. It would add \$18 to vehicle license fees that would go to the parks.

On a recent morning hike, Krumbein, 66, turned off a mapped trail onto a single-track path that led into a meadow.

The bustle of hikers and bikers behind him, Krumbein paused to watch a flock of wild turkeys walk across the field of dry grasses speckled with the rare purple flowers of the *Brodiaea* genus, an herb unique to northern California.

“I see why people go off trail, it’s so calm,” Krumbein said.

The path then took a turn down the face of a hill and spread into wide, rock scramble where feet and wheels had pounded out the grasses.

“This used to be a hillside,” Krumbein said.

EXHIBIT F

PARK WATCH REPORTS

FOLSOM LAKE Pioneer Express Trail

NOTE: Every Park Watch Report is emailed to either the Head Ranger or Superintendent of the affected Park.

The database compiler has excerpted here the exact reporting language and the ID number of the Report. The identity of each person is restricted to the Park personnel or law enforcement who are working on that particular Report. If State Park administration to whom these Reports are provided would like to speak directly to any member of the public who made these Reports, the database compiler will provide the contact information, but would appreciate respecting the privacy of those who are reporting.

These Reports are from Folsom Lake SRA Pioneer Express Trail only, and only for the past 10 months. The Auburn SRA and some other parks have now been incorporated to the Park Watch system; Folsom Lake SRA was the pilot program. What follows is every report received regarding illegal trail use and conflict on the Pioneer Express Trail.

Please note that these reports are a very small fraction of the incidents on Pioneer Express Trail - these are only reports from people who know about www.ParkWatchReport.org and who take the time to report. There are some reporters who have become so disgusted with the repeated bad behavior of the mountain bikers that they have ceased to report it, feeling it is a waste of time if the Parks can't do anything to enforce the Rules and Laws.

Pioneer Express Trail is the California State historic trail within the Folsom State SRA. Because of sheer drop offs, steepness, narrowness and lack of sight lines, it is limited to horses and hikers only. There have been injuries and deaths on this trail for the past fifty years, so safety is of high concern.

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REPORT #60

Brief description bike on horse/hiking only trail

Reporter's Activity Equestrian

Incident Date & Time Monday, February 22, 2010 12:30PM

Incident Type Trail Use Conflict

Description Mountain biker using most dangerous section of horse/hiking only trail

Incident Location Park / Region Folsom Lake SRA

Staging Area Sterling Pointe

Trail Pioneer Express Trail

Location Description 45 min so of Sterling Pt staging area. See Google map

GPS Coordinates 38.78848,-121.10941

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REPORT #70

Brief Description Signage Vandalism in Folsom Lake SRA

Reporter's Activity Equestrian

Incident Date & Time Sunday, December 20, 2009 1:30PM

Incident Type Suspected Illegal Activity

Description On Sunday, Dec. 20, 2009, between the hours of 1-3 p.m., the single post (4") with the brown state park metal sign reading NO BIKES which had been planted just beyond Mile Marker 38 going north toward Mile Marker 39 on the right side of the Pioneer Express Trail (equestrians and pedestrians only) was pulled from the ground. The sign was in place when I rode my horse past it at approximately 1:30 p.m., and it was gone when I returned on this trail at 2:30 p.m. There was a large pile of fresh dirt where the post had been pulled from the ground. I saw countless mountain bike tracks on the Pioneer Express Trail during my ride, but I encountered no bike riders.

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail Pioneer Express Trail

Location Description Just past the brown flexible trail marker at Mile 38.

GPS Coordinates 38.77307,-121.1292

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REPORT #71

Brief Description Mt. Bike ramp constructed on trail

Reporter's Activity Equestrian

Incident Date & Time Wednesday, February 10, 2010 11:00AM

Incident Type Trail Maintenance Issue

Suspected Illegal Activity

Description The teeter-totter ramp has been constructed on a state park trail. It is very large and visible, obviously constructed for the purpose of jumping with a mt. bike. It is built of 2x6 lumber and placed on the trail I assume for bikes to ride and jump on. There are also piles of logs nearby, collected and placed next to the bike trail. I assume since this is altering a state park trail, it is illegal. And unsafe to other trail users.

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail (Unknown)

Location Description A mt. bike trail that parallels the main road into Granite Bay State Park is the location of this ramp. As you enter the park and drive to the horse staging area, there is a bike trail parallel to that road. If you ride out of the staging area on the paved road past the restroom and cross the main road, there is a bike trail just beyond the big rock. The ramp is just to the left. It is built of 2x6 lumber and placed on the trail.

GPS Coordinates 38.75979,-121.14817

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REPORT #72

Brief Description Trail Conflict with Mountain Biker on Pioneer Express Trail

Reporter's Activity Equestrian

Incident Date & Time Sunday, January 3, 2010 3:00PM

Incident Type Trail Maintenance Issue Trail Use Conflict

Description On Sunday, Jan. 3, 2010, between the hours of 3-4 p.m., I was riding a new horse on the Pioneer Express Trail (equestrian/ pedestrian use only). Between Miles 38-39, I encountered a male youth mountain biker. I yelled "HORSE UP!" and told the boy that mountain

bikes were not allowed on the trail and that he should exit the trail on the fork to his left which leads down to the Beeks Bight parking lot. The boy said he was just "checking the area out." I spoke loudly to the boy because I could see that he had an earphone (ear bud) in each ear, and I wanted to be sure he could hear me. A man and woman were close by, and the woman confronted me for yelling at her son for simply "going off trail." The boy's mother told the boy to pass my horse, but I refused to yield the trail to the biker by blocking the trail with my horse. My horse is not yet accustomed to mountain bikers passing on narrow trails, and I felt it was too dangerous. When the adult male said "Look bitch," and reached out as if to take hold of my horse's bridle, I told the man that if he touched my horse or caused a horse/bike accident, he and the boy's mother would both be sued. I said I was calling Park Dispatch to ask for a ranger to come to the site and settle the trail dispute. Upon hearing that I was calling for a ranger, the group dispersed. The flexible brown sign which is planted at the junction where the fork meets the Pioneer Express Trail has a bike symbol, but the red slash indicating "no bikes" has been removed by vandals.

Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail Pioneer Express Trail

Location Description This incident took place just a few feet from the brown flexible trail marker planted at Mile 38.5

GPS Coordinates 38.76942,-121.13354

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REPORT #74

Brief Description Signage Vandalism in Folsom State SRA

Reporter's Activity Equestrian

Incident Date & Time Saturday, January 16, 2010 2:30PM

Incident Type Suspected Illegal Activity

Description I rode my horse on Saturday, Jan. 16, 2010, between the hours of 2:30-4:30 p.m. on the Pioneer Express Trail. Between mileage markers 37-40.5, I noted multiple fresh bike tracks. At mile marker 38.5, it is obvious that the bikers have cut the barbed wire fence and made a trail from the old Hoffman property (now state park owned) to the Pioneer Express Trail. From the visible bike tracks leading to the Pioneer Express Trail, it is obvious that this is one manner in which mountain bikers are gaining illegal access to the Pioneer Express Trail and riding towards Rattlesnake Bar. The mile marker at 38.5 appears old and sits off to the right side of the trail. It would be beneficial to replace this marker and place it in a more prominent position so that the mountain bikers cannot use the excuse that they did not see the sign with the symbol indicating "NO BIKES." I also noted that almost all of the flexible mileage markers between miles 37-40.5 have either had the symbol of the bike with a slash through it completely peeled off or else the red slash through the bike has been peeled off giving the false impression that bikes are allowed on the Pioneer Express Trail.

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail Pioneer Express Trail

Location Description Pioneer Express Trail, Mile Marker 38.5

GPS Coordinates 38.76951,-121.13357

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REPORT #76

Brief Description teenage boys going into Park at Twin Rocks and Boulder Rd to create bike jumps

Reporter's Activity Equestrian

Incident Date & Time Tuesday, March 9, 2010 3:00PM

Incident Type Suspected Illegal Activity

Description Riding on trail heading West to Twin Rocks and Boulder Rd. Saw 6 teenage boys with shovels, clippers, etc. heading into the Park at old Hoffman Property entrance. Asked them what they were doing and they said 'building bike jumps'. I said they were not allowed to do so and to turn around. They began mouthing off(f...ing this etc.) so I called Dispatch. Ranger Brad Cheshire arrived (after I made 2nd call because they were becoming belligerent).He informed the kids in no uncertain terms that they were not allowed to build bike jumps. They became belligerent with the Ranger which he handled well. Ranger Brad and I talked for awhile waiting for kids to leave and they didn't. I went to my barn at Los Lagos. Ranger left but said he would stay close by. Five

minutes later, I encountered one of the boys again at the bike jumps and then they all showed up. I called Ranger again and he came out to the jump location and handled the situation. He will report the jump construction to Parks and get them removed...again. I have photos of the boys and the vehicle one of them came in.

Incident Location Park / Region Folsom Lake SRA

Staging Area (Unknown)

Trail (Unknown)

Location Description Twin Rocks and Boulder Rod, Granite Bay

GPS Coordinates

Suspected Illegal Activity

Type of Activity Illegal Trail Building Activity

Observation Saw Evidence

Activity Description Bike jumps were built at Twin Rocks and Boulder Rd on old Hoffman property. Witnessed the kids who constructed with their tools.

Reported To Name Ranger Brad Chesire

Reported To Phone Number (916) 358-1300

Reported To Agency State Parks

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REPORT #77

Brief Description Illegal mt. bike on Pioneer Express Trail to Avery Pond

Reporter's Activity Equestrian

Incident Date & Time Sunday, March 7, 2010 10:30AM

Incident Type Suspected Illegal Activity

Description While riding Folsom Lake Mounted Patrol on the Avery Pond at the bench Horse Trail Side. I talked to the Biker in the photo attached that he was on a hiking and riding trail only and the Trail is marked where he came in at the Overlook. He acted at first like he did not see the signs, but he acknowledged it after we had a nice conversation. I gave him a Park watch Card and pointed him to the next exit and asked him to walk his bike out. I did not call it in to the Park.

Incident Location Park / Region Folsom Lake SRA

Staging Area Sterling Pointe

Trail Pioneer Express Trail

Location Description To Avery Pond - on map

GPS Coordinates 38.8269,-121.09105

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REPORT #77

Brief Description Illegal mountain biking on Browns' Ravine/Old Salmon Falls trail

Reporter's Activity Other

Incident Date & Time Sunday, March 14, 2010 10:00AM

Incident Type Trail Use Conflict

Description Illegal mountain biker forced 2 female joggers off trail. Biker did not stop and walk his bike around joggers, as standard trail protocol requires, instead he caused them to step off trail in an area where there is a steep drop-off. This is a safety concern for hikers, joggers, and other trail users on this particular part of the trail.

Incident Location Park / Region Folsom Lake SRA

Staging Area Falcon Crest

Trail Browns Ravine to Old Salmon Falls

Location Description Near Old Salmon Falls Park, on trail immediately next to small planted pine tree forest, by homes on Falcon Crest Lane.

GPS Coordinates 38.75353,-121.06363

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REPORT #82

Brief Description encountered mountain bike on upper run trail in ASRA

Reporter's Activity Equestrian

Incident Date & Time Wednesday, March 17, 2010 3:45PM

Incident Type Suspected Illegal Activity

Description I encountered a mountain biker EB at the 13 mile marker(which is marked NO BIKES)about 2 miles east of Maine Bar and 2 miles west of the connection to the Brown's Bar trail. He had a white beard, was wearing a helmet and a green Cool Bike race shirt. He was polite but I told him he should not be on this single track steep drop-off trail clearly signed as not for bikes.

Incident Location Park / Region Auburn SRA

Staging Area Cool Staging Area

Trail Robie Trail to Brown's Bar

Location Description EB near the 13 mile marker(which is marked NO BIKES)about 2 miles east of Maine Bar and 2 miles west of the connection to the Brown's Bar trail.

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REPORT #83

Brief Description Mountain bikes on trail where not permitted.

Reporter's Activity Equestrian

Incident Date & Time Friday, March 19, 2010 11:30AM

Incident Type Trail Use Conflict

Description While riding my horse I encountered mt. bikes 3 times on trails where not permitted. After talking with the bikers, it was apparent that they were indifferent to the potential danger.

Incident Location Park / Region (Unknown)

Staging Area (Unknown)

Trail American Canyon Loop

Location Description First on American Canyon trail, second on Browns Bar trail and third on the Robie trail.

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REPORT #104

Brief Description Mountain Biker Illegally Cutting Tree Limbs in Folsom Lake SRA

Reporter's Activity Equestrian

Incident Date & Time Thursday, April 8, 2010 5:45PM

Incident Type Suspected Illegal Activity

Description Violation of Calif. Code of Regulations 14 CCR, 4306(a). While riding my horse on an unnamed multi-use trail in Folsom Lake SRA, I encountered a mountain biker using a long-handled lopper to cut tree limbs on the edge of the trail. The mountain biker was a white male, approximately 20-30 years old. His riding helmet was black, and his mountain bike was blue and black.

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail (Unknown)

Location Description The unnamed multi-use trail which crosses the park road which leads to the Activity Center in Folsom Lake SRA.

GPS Coordinates 38.75214,-121.14839

Suspected Illegal Activity

Type of Activity Illegal Trail Building Activity

Observation Observed Firsthand

Activity Description Violation of Calif. Code of Regulations 14 CCR 4306(a).

On Thursday, April 8, 2010, at 5:45 p.m. while riding my horse on the unnamed multi-use trail, GPS Coordinates: Latitude 38.75214/Longitude -121.14839, I witnessed a mountain biker who had left his bike on one side of the trail while he used a long-handled lopper to cut tree limbs on the other side of the trail. His activity of pulling down the limbs to cut them and the sight of his bike lying on the other side of the trail spooked my horse. I told the mountain biker to stop the activity and return to his bike and stand the bike up so my horse could see what was lying on the side of the trail which had spooked him. The mountain biker refused, saying that if my horse spooked, I shouldn't be riding on that trail. I decided to call for a ranger.

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REPORT #109

Brief Description Signage Vandalism in Folsom Lake SRA

Reporter's Activity Equestrian

Incident Date & Time Thursday, April 8, 2010 5:30PM

Incident Type Trail Maintenance Issue Suspected Illegal Activity

Description While I was riding my horse on a multi-use trail in the Folsom Lake SRA, a mountain biker speeding around a blind corner almost collided with my horse. The biker told me I was on a mountain bike trail and there were many fast bikes on the trail that evening, so I should not be on the trail with a horse. I told the biker it was a multi-use trail, and the bikers needed to comply with the speed laws and slow down on blind corners. The biker said, "Well, it won't really matter when you're lying on the ground with a broken back."

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail (Unknown)

Location Description Multi-use trail, GPS Coordinates: Latitude 38.75021; Longitude -121.1489

GPS Coordinates 38.75021,-121.1489

REPORT #111

Brief Description Collision between me (trail runner) and Bicyclist on single track trail, et al.

Reporter's Activity Running

Incident Date & Time Thursday, April 29, 2010 4:14PM

Incident Type Injury to Person or Animal

Description As reported via phone to Officer McCollough, badge #1052. Report #210106701 @~909PM 4-29-10. I was trail running my usual course and about 5 minutes out of the Beeks Bight parking lot where the single track trail was less than 24 inches wide, curvy, heavily foliated and without more than 10 feet forward visibility, I was struck from the front by a male bicyclist. It happen suddenly with a 1-2 second (or less) warning. His speed obviously well above 5mph and his position directly front of me on the narrow and blind trail. His left shoulder struck my chest area between my chest midline and left shoulder. There was no apparent contact between his metal

bicycle and me and no subsequent residual injury or pain to me at this time. He remained on his bike and came to a stop ~25 feet down trail. I immediately slowed to a near stop and reach for my camera phone in left short pocket. I mistakenly took a pic of myself instead of him amongst the confusion. There was no verbal communication from him. I did verbalize that I would be reporting the incident to Park Police and continued with my run. During this short ~5 to 10 second period another bicyclist appear, a female. I was at a near stop at that instant as she came into view then past me without contact. She was obviously exercising caution to avoid a second collision with me. It was then about 2-3 minutes later I decided to interrupt my run and phone the Park Police which I did @416PM.

Description of the male cyclist: White male, ~30y/o, slender built, likely tall, 6ft?. Wearing distinctively colored spandex (tank?) top, light pea/lime green and helmet (unknown color). His bike type/color unknown.

Description of the female cyclist: White female, ~30y/o, average height(?), not skinny but average weight, non-descriptive clothes, helmet and bike.

THEN another incident...~30 minutes later on the Middle trail. I was about halfway between the high lookout point (with 2 benches and a view of the dam) and the Boulder/Twin Rocks parking area. A cyclist suddenly approached me from behind. With little notice he yelled out "left". As in numerous prior instances the cyclist, without adequate trail clearance continued to verbalize his intent to immediately pass. I verbalized in return that he would have to slow down and wait for proper clearance to pass and not to make contact with me, if he did, I would report it to Park Police. In a clearly belligerent tone and while passing me, he additionally said that "I will remember you". This was, without doubt, perceived as an intimidating threat to my safely. He then disappeared up trail just as fast as he appeared. Total time, 10-15 seconds.

Description: White male, 40ish, gray-white facial hair/beard, Non-descriptive helmet/bike, ~5'8", husky/fat build. Alone.

I ended my run @501PM, assaulted, threatened and frustrated once again. CAN YOU HELP ME?

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail (Unknown)

Location Description First (primary) incident approx location marked on Google map below to the best of my ability. I should be able to pinpoint the spot in person, on location. Second incident on Middle trail approx halfway between the Lookout Overview (of the dam) and the Boulder/Twin Rocks Rd parking area.

GPS Coordinates 38.7679,-121.13001

REPORT #115

Brief Description Illegal Trail Use

Reporter's Activity Equestrian

Incident Date & Time Sunday, April 25, 2010 5:20PM

Incident Type Suspected Illegal Activity

Description I rode my horse on the Pioneer Express Trail on Sunday, April 25, 2010, between 5:20-7:20 p.m., the day following the American River Endurance Ride. I saw no bike tracks on the trail between the Granite Bay Horse Assembly Area and Mile 39.5. At Mile 39.5, I encountered a female biker with red hair entering the Pioneer Express

Trail from an opening in the Los Lagos fence. I asked the biker where she was going, and she said she was taking the trail to the lake. On my return home a short time later, I could see that the biker had not taken the trail to the lake. I tracked this single bike track to the junction just beyond Mile 38.5 where the multi-use and equestrian/hiking trails intersect.

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail Pioneer Express Trail

Location Description Mile Marker 39.5. Just before this marker, there is an opening in the Los Lagos fence which is wide enough for a single person to go through.

GPS Coordinates

REPORT #116

Reporting About the Incident

Brief Description Suspected Illegal Activity

Reporter's Activity Equestrian

Incident Date & Time Thursday, April 29, 2010 6:20PM

Incident Type Suspected Illegal Activity

Description Multiple mountain bike tracks on Pioneer Express Trail (equestrian/hiking trail) between Mile Markers 37.0 to 39.5.

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail Pioneer Express Trail

Location Description Pioneer Express Trail between Mile Markers 37.0 and 39.5.

REPORT #117

Brief Description Suspected Illegal Activity

Reporter's Activity Hiking

Incident Date & Time Friday, May 7, 2010 7:20PM

Incident Type Suspected Illegal Activity

Description Vandalism of signage in Folsom Lake SRA. The park gate and an equestrian/hiking trail sign showing NO BIKES have been vandalized with large stickers approximately 6" x 2" which read: BE CHANGE Oak Ridge Elementary School, extramilerun.com

Incident Location Park / Region Folsom Lake SRA

Staging Area (Unknown)

Trail (Unknown)

Location Description The entrance to Folsom Lake SRA at the corner of Twin Rocks Road and Boulder Road.

GPS Coordinates 38.767,-121.144

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REPORT #140

Brief Description No Bikes signs vandalized and stickers removed again

Reporter's Activity Equestrian

Incident Date & Time Sunday, June 27, 2010

Incident Type Suspected Illegal Activity

Description All the carsonite markers had the No Bikes signs stolen again, and paint was covering a No Motorized Vehicles sign.

Incident Location Park / Region Folsom Lake SRA

Staging Area Sterling Pointe

Trail Pioneer Express Trail

Location Description Trail from Sterling Pointe to Avery Pond

GPS Coordinates 38.82229,-121.10165

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REPORT #143

Brief Description Mt. bike almost hit horse

Reporter's Activity Equestrian

Incident Date & Time Tuesday, July 20, 2010 10:30AM

Incident Type Trail Use Conflict

Suspected Illegal Activity

General Comments Description On a trail that was straight with good vision a man on a mt. bike, who saw us riding horses, came speeding into us. My friend's horse jumped to the side. I told him he needed to slow down to give us the right of way. He then yelled at me to stay off of the trails.

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail (Unknown)

Location Description Near twin rocks and the Park road

GPS Coordinates 38.76416,-121.1447

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REPORT #149

Brief Description Ongoing Night Mountain Bike Riding

Reporter's Activity Other

Incident Date & Time Wednesday, August 18, 2010 8:34AM

Incident Type Trail Use Conflict

Description A group of nine mountain bike riders using trails currently designated for equestrians using headlamps to navigate the trails -activity continued until after the state park was closed. (Past 9:00 p.m.)

Incident Location Park / Region Folsom Lake SRA

Staging Area Snowberry Creek

Trail Snowberry Creek Trail

Location Description Snowberry Creek Trail, Shady Trail and portions of the connecting Pioneer Express Trail.

GPS Coordinates 38.6535,-121.21099

Party Two Name 9 Night Mountain Bike Riders

Conflict Description At approximately 8:37 when I was doing rounds, (checking on horses, making sure all locks were locked, etc) a group of 9 mountain bike riders who were NOT adhering to trail speed limits were riding on trails that are currently designated as equestrian trails. They had on head lamps and continued their ride from Shady Trail, to Snowberry Creek, then out to the Pioneer Express Trail. The following violations occurred in this one incident: 1.) Park usage after hours as established by the state park, 2.) Not adhering to speed limits established by the state park, 3.) Riding bicycles on trails that are designated for hikers and equestrians.

Reported To Name Gold Fields District Dispatch

Reported To Phone Number (916)358-1300

General Comments This has been an ongoing activity for this particular group. We have advised trail users we know to exercise extreme caution as these people do not seem to be aware of how dangerous this activity is for them and the people/animals they share the park with. It also causes significant erosion to the trails. I spoke with Folsom Lake Trail Patrol who indicated I should report this activity whenever I see it as there is interest in stopping this group from violating several park rules on a regular basis.

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REPORT #158

Brief Description bicycle on equestrian trail

Reporter's Activity Equestrian

Incident Date & Time Thursday, September 9, 2010

Incident Type Trail Use Conflict

Incident Location Park / Region (Unknown)

Staging Area (Unknown)

Trail (Unknown)

Location Description Folsom Lake Recreation Area, Snowberry Creek Area, approx 15 minutes from Shadow Glen stables

GPS Coordinates

Map Link fair oaks

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REPORT #161

Brief Description Illegal Mountain Bike Activity

Reporter's Activity Equestrian

Incident Date & Time Friday, August 6, 2010 2:00PM

Incident Type Trail Maintenance Issue

Suspected Illegal Activity

General Comments

Description In three different locations in the state park property called the Hofmann site (purchased from the Hofmann Company in 2000) mountain bikers have created illegal jumps and a trail.

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail (Unknown)

Location Description Inside Folsom Lake SRA property known as the Hofmann site accessed at the corner of Twin Rocks Road and Boulder Road in Granite Bay, CA.

GPS Coordinates 38.76713,-121.14352

Type of Activity Illegal Trail Building Activity

Observation Saw Evidence

Activity Description Prior to 6-16-08: I saw, on a winter evening while riding my horse towards the Twin Rocks/Boulder Road entrance to the park, a car parked at this location with its headlights on. A group of young adults (male and female) were standing around a very large hole being dug by one male. He was visible only from the waist up as he dug the hole. This site can be identified by the big blue automotive engines which have been dumped here. On 6-16-08: I found a mountain bike jumping grotto a short distance from the "big engine" site where I had watched a hole being dug during a previous winter evening. On 6-16-08, I saw a mountain biker using this second mountain bike illegal jumping grotto. I have photos of this biker in the grotto. On 8-6-10: My husband and I filmed a quarter-mile illegal mountain bike downhill trail which is located directly across from Mile Marker 38.5 on the Pioneer Express Trail (equestrian/pedestrian only). The barbed-wire fence separating the Hofmann site from the Pioneer Express Trail has been cut, and bikers access this downhill trail from the Twin Rocks/ Boulder entrance to the park. They ride to this trail, go downhill, and exit onto the Pioneer Express Trail. During the filming of this illegal trail, a mountain biker came down the trail and almost collided with me as I was walking uphill. The mountain biker said, "Howdy." When we reached the top of the hill, this mountain biker had ridden around and encountered my husband and myself. He asked if we were going to close the trail; he asked who we were "with" (what organization). My husband told him we were ordinary citizens. The mountain biker then said, "Well, the kids who made this will sure be disappointed; now they will have to go back and hang out on the corner." A copy of this film has been forwarded to Superintendent Ted Jackson.

General Comments

Comments The building of these illegal trails in the Hofmann site violates State Park Codes: 14 CCR/4319.Games and Recreational

Activities; 14.CCR/4307.Geological Features; 14 CCR/4306.Plants and Driftwood. Since there exists an Archaeological Survey Report for this site dated August 1980, this illegal mountain bike trail building

activity may also be in violation of 14 CCR/4308.Archaeological Features. In addition, the Final Supplemental Environmental Impact Report for the Hofmann site dated March 2, 1999, indicates that this 88.7 acre site

which was under consideration as Los Lagos Unit 3 is considered habitat for the Valley

Elderberry Longhorn Beetle (VELB), a species listed as a "threatened" species under the Federal Endangered Species Act by the U.S. Dept. of Fish and Wildlife Services.

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REPORT #165

Brief Description Vandalized Trail Signs along Pioneer Express Trail

Reporter's Activity Equestrian

Incident Date & Time Sunday, August 22, 2010 3:00PM

Incident Type Trail Use Conflict

Description Trail signposts along the Pioneer Express Trail in the vicinity of Milepost 37.7 (near Twin Rocks and Boulder Road) and proceeding north through markers 38 and 38.5 have been vandalized by mountain bikers. The symbol showing "no bikes" has been sandpapered off, peeled off, or scratched off so that red bar is not visible. Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail Pioneer Express Trail

Location Description Pioneer Express Trail, proceeding north from the vicinity of Twin Rocks and Boulder Road in Granite Bay. This is approximately Milepost 37.7 and includes marker 38 and the trail junction near Beeks Bight.

GPS Coordinates 38.7665,-121.14394

Trail Use Conflict

Location of Conflict On the trail

Party One Myself

Party One Activity Equestrian

Party Two Activity Bicycle

Party Two Description one man in his 20s and two women in their 20s.

Conflict Description While riding north along Pioneer Express Trail, I was passed by three mountain bikers, despite the fact that this trail is closed to bikers. The bikers had to lift their bikes up and over wooden steps that serve as water-bars in the equestrian trail bed. I could tell from their unhappy comments that they were first-time users of the Pioneer Express Trail, and were unfamiliar with where they were going. I was going to point out that this trail is closed to bikes, but then I realized that the signposts had been vandalized. So I said nothing to them (since they were on unfamiliar trails and very annoyed with the uphill steps) and the important message on the signpost had been scratched off.

General Comments

Type of Comment Maintenance

Suggestion

Subject Trail

Comments It is suggested that equestrian trails (such as the Pioneer Express Trail) be marked with steel signs (not plastic) that read: "No Bikes" The red-slash symbol is not working and can be easily vandalized by bikers using sandpaper.

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REPORT #166

Brief Description Mt. biker, ignored requests to stop, rude, wouldn't stop in dangerous situation

Reporter's Activity Equestrian

Incident Date & Time Wednesday, September 15, 2010 11:00AM

Incident Type Trail Use Conflict

General Comments

Description We were in an area that mt. bikes and horses are allowed on a multi-use trail. We had 5 horses with 2 of them quite new to the trail. We asked the male bike rider to stop, yield and let us pass. He got angry and said horses were not allowed there and pedaled on. I said 2 horses were green and to STOP. He did not. One horse reared and another rider yelled at him again to stop. He then stopped for a few seconds and then went on. He was in his late 30s or maybe 40.

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail (Unknown)

Location Description The loop by Doton Pt and Beeks Bight on the multi-use trail where bikes and horses are allowed.

GPS Coordinates

Type of Comment Other

Subject Other

Comments When mt. bikers do not slow down on multi-use trails, yield to horses and stop when requested, a dangerous situation like this can occur. Luckily, the riders were not thrown and hurt.

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REPORT #171

Brief Description bikes on horse hike trail

Reporter's Activity Equestrian

Incident Date & Time Sunday, September 26, 2010

Incident Type Trail Maintenance Issue

Trail Use Conflict

Description I ride in this area a lot. The trail markers are changed continually by people that switch the "no bike" signs to make it look like biking is allowed on that part of the trail. It is confusing to a lot of people. The trail is full of bike tracks, they are going to the Hoffman Los Lagos area near mile 38. I am reporting this because a lot of the bike people don't stay on designated trails, in many cases it is unsafe. I have seen many bike tracks under the No Bike sign that leads to the Pioneer Express trail .

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail Los Logos Trail

Location Description near Los Lagos near mile 38 Pioneer Express trail

GPS Coordinates 38.76635,-121.1433

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REPORT #174

Brief Description While riding in Folsom Lake State Park (Hofmann property section) I came upon 5 young males working with shovels and rakes creating mounds, banks and channels for an unauthorized bike trail.

Reporter's Activity Equestrian

Incident Date & Time Thursday, October 28, 2010 2:30PM

Incident Type Trail Maintenance Issue

Suspected Illegal Activity

Description At approximately 2:30PM on Thursday, October 28, 2010 I was riding my horse at Folsom Lake SRA inside the Hoffman site off of Twin Rocks and Boulder. I was on the trail leading towards the back entrance to the Los Lagos Equestrian Center when I saw a young male, off to my right, standing with a shovel. I stopped my horse to observe him from a distance. After seeing me, the young male moved out of my line of sight. I proceeded down the trail a short distance and rode my horse cross-country to the location where I thought he was. I observed approximately 5 (maybe six) teen-age males actively engaged in building mounds, channels and banks to create an unauthorized bike jumping trail. They all had either a shovel or rake to perform this task. I informed them that this was illegal to do on State Park land and in fact was a fineable offense. They were quite belligerent and stated "We'll just pay the fine". I stated that they needed to take their equipment and leave the area. They refused to do so and yelled expletives at me. I told them that they could leave or I would call the park dispatch for a ranger. They again refused to stop their activity and leave the area. Unfortunately my cell phone did not have reception at that location. I called 911 to request that I be patched through to the Folsom Lake SRA dispatch but they would not do so since this situation was not life threatening. I pretended to call dispatch and again told the young males to stop their activity. They responded with "Ok, so you are just telling us to go and do drugs". They then started to disperse and I followed them out toward the Pioneer Express trail. I became unable to pass through the area with my horse and turned to go back the direction I came in from. When I got back to Boulder road the young males were standing at the back of an SUV stowing their shovels and rakes. I proceeded to an area where I could call dispatch from my cell phone. There were no Rangers available but I was told that one would return my call. At approximately 5:00 PM. Ranger Darren Parker called and agreed to meet me at the Twin Rocks and Boulder location. We walked into the Hofmann site and he observed the illegal bike mounds and channels. He took some photos of the mounds. The next day, Friday October 29th, I walked back into the area with a friend who was aware of illegal bike trails at the Hofmann site discovered in 2008. These trails with mounds had been cordoned off with orange plastic fencing by the park in 2008. This was the same general area where the new activity was occurring. We saw that the fencing had been rolled up and thrown into a pit off of the illegal trail. Upon surveying the area where I had observed the building of illegal bike trails the day before, we discovered that the trail was much more extensive than Ranger Darren Parker and I had observed. I called dispatch and was told that Ranger Cheshire would meet us at Twin Rocks and Boulder. At approximately 1:35 PM he walked in with us and observed the entire new bike jumping trail.

Incident Location Park / Region Folsom Lake SRA

Staging Area (Unknown)

Trail (Unknown)

Location Description Closest intersection of roads: Twin Rocks and Boulder in Granite Bay. Inside the section of Folsom Lake SRA that is known as the Hofmann site. Incident occurred in the area between the Pioneer Express trail and the trail to the left of the Pioneer Express trail which leads to the Los Lagos trail.

GPS Coordinates 38.76713,-121.14352

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REPORT #178

Brief Description No bike symbols missing, defaced, painted over and gone

Reporter's Activity Equestrian

Incident Date & Time Saturday, November 6, 2010 2:00PM

Incident Type Trail Maintenance Issue

Description The trail from Granite Bay Assembly area and to the parking lot beyond Twin Rocks Road. All along the Pioneer Express trail the no bike symbol/signs have been painted over, torn off, the strike has been scratched off, or symbol was completely gone. A man and his son where on the Pioneer express trail (just before Twin Rocks) When informed of he not suppose to be on the trail - He responded that was the way to the wonderful jumps that have been created just off of the Pioneer Express Trail. He said that they were the most amazing jumps he has seen! He and his son had just come from the area and came down Pioneer Express Trail to get to their car at Twin Rocks. 15:00 Pioneer Express Trail between Vogel Road Access and Granite bay area. When the boy was told he was not supposed to have a bike on the trail he said that he thought it was a trail for motorcycles. The trails need to have all the symbols replace/repared/enforced.

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail Pioneer Express Trail

Location Description 2 occurrences today - One right between Los Lagos gate entrance and Twin Rocks (they had been on the illegal jumps which have been created on the property closest to Los Lagos. The second was a boy behind Vogels boarding property, and the boy said he was under the impression that he was on the motor bike trail. Both these incidents involved bike riders and extreme speeds. Very Dangerous when coming onto a horse and rider at these speeds and they were miss informed of the trail usage.

GPS Coordinates 38.76719,-121.14125

REPORT #182

Brief Description 9 bike riders going about 15 miles an hour on the pioneer express trail

Reporter's Activity Equestrian

Incident Date & Time Wednesday, November 17, 2010 7:25PM

Incident Type Suspected Illegal Activity

Description 11/17/2010 7:25 PM - I saw 9 bike riders (together in a group, single file, speed racing) traveling on the Pioneer Express Trail from Twin Rocks Road toward Granite Bay Staging Area. It was quite dark they had head lights. I told them that they were not suppose to be on the trail, it was for Walkers and Horse riding. One of the men responded they would look out for horses as he sped down the trail without any hesitation.

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail Pioneer Express Trail

Location Description The path that runs along Vogel Valley Road from Twin Rocks toward Granite bay staging area.

GPS Coordinates 38.76076,-121.14937

REPORT #184

Brief Description 16:55 Two bike riders on Pioneer Express Trail

Reporter's Activity Equestrian

Incident Date & Time

Incident Type Suspected Illegal Activity

Description 11/20/2010 There were 2 bike riders in Spandex riding their bikes on the Pioneer Express Trail. When told they were not to be on the trail they said thank you and kept on their way. They were riding in the direction of Granite Bay Staging area coming from Twin Rocks Road trail opening

Incident Location Park / Region Folsom Lake SRA

Staging Area Granite Bay

Trail Pioneer Express Trail

Location Description 11/20/10 4:55 PM I saw 2 bike riders (in Spandex) single file (one right after the other) riding at dusk with head lights on Pioneer Express Trail - heading to Granite bay Staging area (coming from the entrance at Twin Rock Road trail head).

GPS Coordinates 38.76058,-121.14974

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EXHIBIT G



California Equestrian Trails & Lands Coalition

June 2005

Safety Considerations for Multi-use Trails

CET&LC is continuing to develop specific design and enforcement standards for proposed and designated multi-use trails. The primary concern of our member organizations regarding multi-use trails is the safety of these trails for equestrians. The recent need (since about 1985) for multi-use trails is primarily to accommodate the addition of mountain bicycle use. **In order to safely accommodate bicycles that travel much faster than equestrians or hikers, specific trail design standards and safety guidelines are required to provide safe use for all.**

The CET&LC represents most organized recreational equestrian groups in California with 46,000 members. It is estimated that there are over 400,000 recreational riders in California. Many of these people ride trails as part of their recreational enjoyment.

The CET&LC offers general comments on conditions necessary to make the trail use experience positive, safe and enjoyable for all users. Also included is a set of **Trail User Guidelines** for issuance to every user at the trailhead.

1. From the equestrian user's perspective, mountain biking use has become a safety issue and needs to be addressed on all trail conversion decisions, as well as new trail construction, to help alleviate the conflict among users. The CET&LC supports multiuse trails where appropriate. In recent discussions with California State Parks staff in Sacramento on how best to define safe practices that will allow users to continue enjoying multiuse trails, we have recommended a number of safety provisions. The term "appropriate" means trail portions where terrain and slope do not limit the safe passage between equestrian and bike users. Inappropriate trails should not be designated multi-use until corrected. CET&LC is committed to working with State Parks, other agencies and other users to develop a set of safety guidelines that is acceptable to all users.

2. Some users have commented that it is a "perception of safety" when considering conversion of trails to multi-use. To the equestrian community, it is more than a perception; it is a true evaluation of the safety circumstances, including the likelihood of increased risk to other trail users. Speed by other users is a major problem for horses, especially around blind or limited visibility curves. Trails can be designed to mitigate this problem, coupled with additional training for equestrian animals. It still remains that the primary user for which speed is part of the use is the mountain biker. If all users were to travel no more than 4 to 5 mph, as most trails are designed to be used, then most of the interface problems would be solved. Horses react to fast moving objects with their natural instincts and can only be trained to a point. Equestrian users have asked why should a well established user group be asked to significantly retrain their animals to meet a user that has brought a completely new use to the trail system? CET&LC is committed to developing a set of safety guidelines that all users can accept as long as the users consider the innate survival reaction of the horse. We accept the need to accustom our animals to meet bikers on multi-use trails so long as the biking community will do the same in adjusting their use patterns accordingly. The enclosed draft safety guidelines should be accepted by all agencies as part of the trail plan; otherwise, it is predictable that conflict will continue. Often, in defining the conflict problem, it seems that the emphasis is focused on equestrian "behavior" rather than a focus to resolve problems by urging all the users (bikers, equestrians and hikers) to work together for a solution.

3. In the new update of the State Park Trail Policy there is reference made that “design, education, signage, and enforcement can be effective in controlling conflict.” The CET&LC totally supports this approach, and our member organizations in California join in this support. Noted below is what was recently presented to the California State Parks Director and Staff:

Design Considerations:

- a. **Develop a set of trail construction standards** that take into consideration each user’s needs. Obviously, these will have compromises but will use safety as the primary objective. Some specific suggestions are:
 - Visibility: Switchbacks and curves need 50 ft visual clearance on either side so users can see others.
 - Trail width: Wide trails can create maintenance and drainage problems. This topic includes old roads and whether they should continue to be used and be an exception. Some agencies consider wide trails as an erosion problem. Forest Service believes bikers and equestrians will often ride side by side if the trail is too wide, while many equestrians consider a 6 ft wide trail as a minimum in order to safely pass cyclists.
 - Trail slope: Keep slope as low as possible (< 12% if possible) for safe places for passing and visibility.
 - Separate Trails: Where terrain is steep, visibility is limited and safe passage is hazardous, consider having separate parallel trails, one for equestrians/hikers and one for mountain bikers.
- b. **Line Of Sight:** Visibility is a major factor in the safety issue. Switchbacks and blind curves severely limit all users. Limited visibility reduces reaction time of trail users to gauge other user’s speed and control so as to move out of the way where possible. Limited visibility also reduces the user seeing others approaching from behind or in front, thereby not slowing nor giving a warning call before reaching them.
- c. **Trail Width - Slope & Drop-off:** Safety on narrow trails requires that one be able to move off the trail to avoid an accident. If there is no way to go up a steep slope or if the drop-off is too extreme, one literally has nowhere to go. Blind curves and switchbacks in conjunction with narrow trails along sides of mountains with steep drop-offs and slopes increase the chances of accidents when trail users of different speeds are using the same trail.
- d. **Startle Factor:** Cyclists are relatively silent and can appear suddenly thus startling and alarming others. On narrow trails with reduced line of sight, the risk of collision between fast approaching, silent cyclists and other users rises dramatically.
- e. **Trail Grade:** This factor is directly proportional to the downhill speed of some users. There does not appear to be incidents among the users when bicyclists are going uphill. Cyclists going downhill are sometimes not able to stop in time to avoid startling horses
- f. **Trail Surface:** Surfaces that are slippery with sand or excess scree diminish traction for most users and raise the chances of injury. When such a trail is also narrow, or has no escape route or reasonable visibility, it becomes a hazard for multiple users.

- g. Quality of Outdoor Experience:** Safety and peace of mind should be a primary consideration in establishing policies for multi-use trails. Policies should enhance the positive experiences that outdoor recreation provides. For most, the trail experience is a relaxing endeavor. Mountain biking, requiring a vehicle, is fundamentally a different experience from hiking and horseback riding. These experiences may be compatible where there is sufficient physical trail space to allow each user a sense of freedom and safety without interference. However, when physical space diminishes on a trail, then compatibility disappears and conflict intensifies. Perceived risk becomes real for hikers and equestrians, and injury is a predictable experience. Thus, when the quality of a trail experience is markedly reduced, many will choose to not repeat it to avoid the possibility of conflict. They are then displaced or disenfranchised from enjoying a quality trail experience.

Education:

- a.** The education of trail users is a key factor in the creation of a safe trail system for all to use. Not everyone understands the nature of a horse or appreciates the incredible survival skills with which they are born. We are offering to develop some suggestions for all trail users to adopt as a way of increasing the comfort level of both the trail horse and non-equestrian trail user.
- b.** The education of the equestrian user is also a vital area for multi-use trails. The CET&LC is recommending to its member organizations to improve the “startle factor” training of riders and animals as part of the adjustment to becoming multi-use trail users. Several Equestrian Clubs have adopted training clinics to teach the horses and riders to meet cyclists in varying situations. This greatly improved the animal’s awareness that a cyclist is not a threat. However, even with training, “sudden appearance situations” requires an exceptional horse to handle and is not in the usual scope or ability of many equestrian trail riders (reference Police and Sheriff Posse training and horse dropout ratio).

Signage:

The CET&LC is recommending that California State Parks and other agencies with trail systems adopt the classic triangle yield sign as a standard for all multiuse trails. Enclosed with this letter is an example of the sign used by several other States, as well as some California park systems. It works quite well to alert users to a certain protocol and trail etiquette when meeting others on multi-use trails. Likewise, there should be good signage to make users aware of who is permitted or not on various trails.

Enforcement:

Having an enforcement process is vital for today’s multitude of users. There is reference to volunteer patrols in the pending State Parks Trail Policy, but no mention is made of law enforcement; and that is a critical element in maintaining a safe recreational environment. If State Parks or any other agency adopts multiuse trails over special use trails, some type of rules enforcement on the trails must be in place and will need a significantly high priority.

Conclusion:

CET&LC is recommending for all trail system users the guidelines listed above as a way to make riding, hiking and biking an enjoyable trail experience. As stated before, our intent is to support multi-use trails as long as the safety concerns and terrain conditions are addressed. **If an existing trail cannot meet these standards, then it should not be designated multi-use.** CET&LC looks forward to working with all user groups and agencies in developing safety guidelines.

GENERIC SAFETY GUIDELINES FOR MULTI-USE TRAILS

1. The Future

The way we use the trails today shapes trail access for tomorrow. Please do your part to enhance our multi-user access and image by observing the following Safety Guidelines for the Trail.

2. Always yield to other trail users.

Let your fellow trail users know you are coming. A friendly greeting or gesture is consideration of others and that will go a long way towards cooperative trail use. Don't startle others. Show respect when passing by slowing to a walking pace. Anticipate other trail users around blind corners or in areas of poor visibility. Yielding means slow down, establish communication, follow the yield protocol and be prepared to stop if necessary to pass safely.

If you need to pass a horse and rider, either from behind or from the front, slow down and alert the rider you want to pass on the downhill side. Give the rider time to take control and move the horse. If a horse needs to pass you, dismount or stand on the downhill side.

When groups of users desire to pass from the rear, be courteous, convey your desires and wait for the slower users to determine a safe passing point.

3. Right of Way Protocol - Reference to Yield Triangle Sign

When trail conditions require a right of way for safe passage, equestrian users have the primary right of way, hikers next and then cyclists. When trail conditions allow and when there is width to safely pass, common courtesy should prevail for all users.

4. Control your Actions.

Awareness of trail conditions at all times is vital for safe use. It is recognized that the level of training and experience of any user varies and it is your responsibility to be in control. If you and a mount, cyclist, or hiker is inexperienced on the trail, it is suggested you travel with other trail users with more experience. Travel only at a speed that is safe for conditions on the trail.

If you see a horse shying or spooking, move away from the horse and keep talking. Speaking will help the horse relax and realize you are a person.

5. Safe Speed

Excessive speed is an unsafe use of multi-use trails. All users must use good judgment and be aware that there are other users on the trail who may be going slower than they are. Limited visibility around corners and curves should be a signal to slow down to the speed of hikers, the slowest trail users.

6. Plan ahead.

For safe use of trails, know your ability and the area in which you are riding, hiking or cycling, and prepare yourself accordingly. Be self-sufficient at all times. Keep your animal & equipment in good shape and carry necessary supplies for changes in weather or other conditions. A well-executed trip is a satisfaction for you and not a burden to others.

7. Awareness of Equestrian Safety

If you or your siblings would like to pet the horse on the trail, first ask the rider if it is OK. Horses are very social animals and follow specific social rules with each other. We humans get along best with them when we act as they do.

Other Trail Considerations

8. Use open trails only.

Respect trail & road closures. Use a map, and contact agencies if uncertain about the trail. Avoid trespassing on private land. Obtain permission, permits or other authorization as required. The way we utilize the trails today will influence trail management and practices in the future.

9. Leave No Trace. Practice Gentle Use Principles.

Be sensitive to the earth beneath you. Recognize different types of soils & trail conditions. Wet & muddy trails are more vulnerable to damage, so consider other options. Please stay on existing trails; do not create new ones and do not shortcut. Be sure to pack out all that you pack in.

10. Be Aware of other animals.

Give other animals, both domestic and wild, extra space and time to adjust to you. Running cattle or disturbing wildlife is a very serious offense. Leave gates as you found them or as they are marked.

EXHIBIT H

UNITED STATES OF AMERICA
FEDERAL REGULATORY COMMISSION

In the matter of)	March 31, 2006
)	
State of California)	Docket No. P-2100, P-2100-052
Department of Water Resources)	
)	
For a New Major License)	
Oroville Division, State Water Facilities)	

NOTICE OF MOTION, MOTION TO INTERVENE, PROTEST AND COMMENTS
OF
ACTION COALITION OF EQUESTRIANS, BACK COUNTRY HORSEMEN OF
CALIFORNIA, CALIFORNIA EQUESTRIAN TRAILS & LANDS COALITION,
CHICO EQUESTRIAN ASSOCIATION, EQUESTRIAN TRAIL RIDERS, EQUESTRIAN
TRAILS INC., GOLDEN FEATHER RIDERS, INC.,
OROVILLE PAGEANT RIDERS, PARADISE HORSEMEN'S ASSOCIATION,
AND CONCERNED INDIVIDUALS

The organizations and individuals identified herein hereby notify FERC and the parties to the above action of this motion to intervene in that action pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("FERC"), 18 C.F.R. §§ 385.202, 385.212, 385.214, and 380.10 (NEPA and environmental compliance) and provide comments in the above-captioned matter. Further, Intervenors by this document protest the manner in which the licensee conducted the Alternative Licensing Process ("ALP"). This intervention, protest and comments relate to the application of the State of California, Department of Water Resources ("DWR") for a new project license to continue to operate the Oroville Facilities¹ (the "Project"). Intervenors specifically intervene to oppose approval of and seek modification of portions of the Settlement Agreement filed March 24, 2006, and the

¹ The Oroville Facilities (FERC Project No. 2100) also have been known during the life of the project as Feather River Project and Oroville Division, State Water Facilities.

December 2005 Draft Settlement Agreement Recreation Management Plan (“RMP”)² and related environmental assessments.

I. PROJECT BACKGROUND

A. DESCRIPTION OF PROJECT

The existing dam and hydroelectric facilities at Oroville were developed as part of the California State Water Project, to provide a water storage and delivery system of reservoirs, aqueducts, power plants, and pumping plants. The purposes of the State Water Project are to store and distribute water to supplement the needs of urban and agricultural California water users, flood management, power generation, water quality improvement in the Sacramento San Joaquin Delta, recreation, and fish and wildlife enhancement. DWR currently operates the Project under a license issued by FERC on February 11, 1957, which will expire on January 31, 2007. In January 2005, DWR filed an application with FERC for a new hydroelectric license for the Project to continue generating hydroelectric power while maintaining existing commitments and complying with regulations pertaining to water supply, flood control, the environment, and recreational opportunities.³

B. GEOGRAPHICAL AREA AFFECTED BY THE PROJECT AND RECREATION RESPONSIBILITIES

The Project is located on the Feather River in the foothills of the Sierra Nevada in Butte County, California. As detailed in other interventions already filed in this matter as well as in Project documents, the project lands are owned by a variety of State and Federal agencies.

² Intervenor are aware a March 2006 Draft Settlement Agreement Recreation Management Plan became available to the public, at the FERC eLibrary, on Thursday afternoon, March 30, 2006. It has not been possible for us to compare the December 2005 version to the March 2006 version in detail. A quick review of those pages of interest to Intervenor suggest sat least in those areas there are no changes in the March 2006 document. However, all references to the “RMP” in the present motion are to the December 2005 version, selected pages of which are included as Exhibit A.

³ See Preliminary Draft Environmental Assessment, Department of Water Resources, January 2005, [hereinafter PDEA], at Introduction, 1-1. Selected pages are attached as Exhibit B.

In 1961, the Department of Water Resources (“DWR”) transferred recreational interests and management responsibility for the 23,000 acres within the Project boundary to the California Department of Parks and Recreation (“DPR”); these lands form a majority of the Lake Oroville State Recreation Area (“LOSRA”).⁴ DWR also transferred about 12,000 acres to the California Department of Fish & Game (“DFG”) but reserved any interest necessary to construct, operate, and maintain the Project; these lands constitute much of the Oroville Wildlife Area (“OWA”).⁵

DWR has delegated much of the responsibility for recreational management of the land underlying and surrounding Lake Oroville and its facilities to DPR; however, as FERC notes in an August 2000 letter to ORAC, DWR is “ultimately responsible for the construction, operation, and maintenance of all Commission required recreation facility and recreation areas, and for implementation of the project approved recreation plan.”⁶

Within LOSRA and the immediate surrounds there are approximately 75 miles of recreational trails, including the 21.5 miles of traditional hiking-equestrian trails.⁷ The traditional hiking-equestrian trails provide a unique trails experience that is of great value to the Intervenor as well as to the general public.

II. STANDARD FOR INTERVENTION

Under 18 C.F.R. § 385.214(a)(3), any person seeking to intervene to become a party may file a motion to intervene. The Intervenor is considered to be “persons” and are therefore qualified to intervene under § 385.214(a)(3).

⁴ *Id.*

⁵ *Id.*

⁶ Letter from Lon Crow, FERC, to Tres Hobbie, ORAC, dated August 17, 2005, pg. 2, Exhibit A1.

⁷ From the RMP, Exhibit A, page D-12, Table D-2, “Proposed trail use designation changes and new trails in the project area.” Years ago DPR told local equestrians the traditional hiking-equestrian trails constituted 17.5 miles, and they have used this figure in their documents. The RMP indicates there are approximately 21.5 miles of hiking-equestrian trails. Although Intervenor is unclear as to the actual miles of the original hiking-equestrian trails since there has never been a detailed mapping of the trails, for purposes of this motion, Intervenor use the RMP figure of 21.5 miles.

Pursuant to 18 C.F.R. § 385.214(b)(2), in order to intervene, the motion must demonstrate:

- a. The movant has a right to participate which is expressly conferred by statute or by Commission rule, order, or other action;
- b. The movant has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a :
 - i. Consumer,
 - ii. Customer,
 - iii. Competitor, or
 - iv. Security holder of a party; or
- c. The movant's participation is in the public interest.

The Intervenors are equestrians, hikers, and mountain bikers. It is in the public interest that moving parties, who represent a significant segment of the public users of Project 2100 recreational facilities, be permitted to intervene in this matter. Some of the Intervenors have been actively and directly involved in the planning and public input elements of the Alternative Licensing Process ("ALP") used in Oroville since that process began in 2000. In some instances, Intervenors were living in the Oroville area and/or using the area for recreation at the time of the original license in 1957. The Intervenors, therefore, have an interest which will be directly affected by the outcome of the proceeding, and the Intervenors' participation is in the public interest.

Specifically, the Intervenors, along with other members of the public, have used and enjoyed the unique trails experience provided by the historic hiking-equestrian trails. The proposed conversion of those trails under the December 2005 Recreation Management Plan (the "RMP") will have a direct and negative impact on Intervenors and the public, as is detailed in Section V. below. These negative impacts and adverse potential or actual negative environmental effects of any trail conversion have not been studied or evaluated by the licensee.

In fact, there is no project description of any trails conversion which would make it possible to perform any environmental review under NEPA or CEQA.

Since the Intervenor meets the regulatory requirements to intervene, their motion should be granted.

Intervenor is also impacted by the failures, errors and omissions in the ALP itself, including the failure to include in any document clearly defined and enforceable accounting and budgeting provisions in the draft settlement agreement and recreation management plan documents, to ensure that the state can or will carry out necessary assessments, enforcement and financing of their proposed recreation management plan.

III. INTRODUCTION TO AND SUMMARY OF POSITION OF THE PETITIONERS

The Intervenor seeks to protect and preserve a unique trails experience, the 21.5 miles of traditional hiking-equestrian trails within LOSRA. The longest of the trails, the Dan Beebe Trail, was dedicated in 1963, at the same time construction of the Oroville dam began. The Roy Rogers and Loafer Creek Trails were completed in 1989 to bring the hiking-equestrian trails to their current configuration. The hiking-equestrian trails were developed and have been maintained by community volunteers working in collaboration with state agencies.⁸ They were maintained as hiking-equestrian trails under the current license until very recently.

In 2002, DPR unilaterally converted these hiking-equestrian trails to multi-use, adding bikers to these trails; then DWR retroactively filed a request to amend the then in place Recreation Management Plan. We opposed that conversion, filing a motion to intervene on June 6, 2003. FERC reviewed our motion and concurred that there was no justification for converting

⁸ Exhibit C includes a 1963 newspaper article describing the dedication of the Dan Beebe Trail along with a 1978 article on trail maintenance.

the trails under the existing license. As summarized in the January 21, 2005 Order denying

Rehearing:

“[T]he project area currently offers a balance of recreational opportunities for trail users. ... [M]aintaining trails within the project for use by equestrians and hikers offers a unique recreational experience worthy of preservation. In addition, shared use of trails increases safety concerns and user conflicts...”⁹

The June 2003 motion to intervene is attached as Exhibit D to the current motion along with the August 17, 2004 and January 21, 2005 FERC orders related to the proposed amendment to the approved Recreation Management Plan [Exhibits E and F, respectively].

The Oroville community, including some of the present intervenors, has participated in an involved, extensive and time consuming relicensing process. At no time during that process has there been a clear explanation of why the hikers and equestrians who currently have access to a unique and valuable trails experience should give up that resource, just because DWR and DPR and the national mountain bikers lobby want to give bikers access to the traditional hiking-equestrian trails.

Never in the ALP process has there been a user group consensus that this conversion of the traditional trails occur. The only user study -- undertaken by DPR, while the trails were out of compliance and bikers had been using the hiking-equestrian trails -- did not demonstrate a need for the conversion. There were no baseline studies of the hiking-equestrian trails prior to their unauthorized conversion to multi-use or since that time. There is no evidence that any such conversion would be safe for users or the environment. Moreover, the same user safety issues raised in our June 2003 intervention continue today and have never been addressed.

As FERC itself found in the Order Denying Request to Amend Recreation Plan:

⁹ Order Denying Rehearing, Issued January 21, 2005, Federal Energy Regulatory Commission, Project No. 2100-129, pp. 3-4, attached as Exhibit F.

“[C]onverting the trails to multiple use (with bicycles sharing the trail) would adversely change the recreational experience for equestrian users primarily because it may increase the potential for user conflicts and necessitate more trail maintenance and modifications to accommodate the multiple uses. Through research of the trails and trail uses in the region of the project, we identified many trails available to mountain bikers. The approved recreation plan designated special use trails for equestrians to provide a unique recreational experience.”¹⁰

And from the Final Environmental Assessment accompanying that Order:

[T]he proposed action is likely to increase impacts on many more miles of trails as competing trail users would have to share trails at the same time. This is likely to decrease trail safety, increase user conflicts, and necessitate more trail maintenance and modifications.¹¹

The conditions and realities of multi-use on the traditional hiking-equestrian trails are the same today as they were when many of the current intervenors opposed their conversion in 2003.

Issues of safety and preserving the unique trails experience mandate against converting these traditional trails.

Intervenors are not categorically opposed to multi-use trails. We have supported a variety of trails experiences, including some multi-use trails within LOSRA. However, we strongly oppose the conversion of the traditional hiking-equestrian trails. See for example, the Oroville Pageant Riders February 9, 2005 letter, attached as Exhibit G. Those intervenors who have participated in the trails planning processes have also recommended a separate single-track bike trail as a way to increase biker trail access without harming existing trail users or increasing the environmental damage caused by bikers on these historic single-track trails. As is described below, DWR itself accepted that proposal as an “Interim Project” in 2002. A newspaper article from the time is attached as Exhibit H.

¹⁰ Exhibit E, at page 5.

¹¹ Ibid, pg. 28.

Intervenors herein and in their previous intervention, opposing the unsafe and unilateral conversion of these same traditional, historic, hiking-equestrian trails, assert that it is impossible to convert the existing historic, traditional trails.

They cannot be rendered safe through reconstruction, new construction or otherwise, for multiple use pursuant to recognized engineering safety standards including the State's own trail maintenance standards. It is inherently impossible to add bikers to these sensitive trails without increasing environmental damage.

These trails represent decades of community involvement and volunteerism, bringing generations of users, young and old, to enjoy the unique recreational experience these historic, traditional hiking-equestrian trails provide. Such values should not be sacrificed through any conversion of this small portion of the overall trails system in the LOSRA area. Adding bikers would eliminate most hikers and equestrians from these trails.

IV. DESCRIPTION OF INTERVENORS

Intervenors include several Butte County equestrian clubs as well as other organizations. Many of the local clubs have been or remain members of the California State Horsemen's Association, "Region 2". Intervenors note that none of the local clubs other than CSHA Region 2 signed the Draft Settlement Agreement.¹² Some club and individual CSHA members have or are considering resigning from CSHA due to Region 2's and former president Robert Gage's support of the proposed conversion of the traditional hiking-equestrian trails.

¹² Settlement Agreement for Licensing of the Oroville Facilities, State of California, Resources Agency, Department of Water Resources, FERC Project No. 2100, March 2006, Exhibit G, pgs 1-2.

The California Equestrian Trails & Lands Coalition (“C.E.T. & L.C.”) is comprised of several equestrian groups¹³. Representatives from all member clubs except the California State Horsemen’s Association have voted that C.E.T. & L.C. sign this motion.

Intervenors also include community members and other individuals active as hikers, mountain bikers and/or equestrians. All intervenors share a concern that the historic hiking-equestrian trails in Oroville represent a unique and valuable recreational resource that deserves to be protected, now and in the future.

V. PROTEST AND INTERVENTION.

A. PROTEST: THE ALP PROCESS AT THE OROVILLE PROJECT HAS BEEN BIASED AND FLAWED, RESULTING IN FLAWED RECOMMENDATIONS THAT DO NOT REPRESENT A CONSENSUS OF COMMUNITY USER GROUPS.

The major problem with the ALP, in this case, appears to be that the licensee has unlimited power to enforce its own agenda. The attitude toward the development of public recommendations and agreements appears to be that of a bad Alternative Dispute Resolution philosophy, “You know you’ve succeeded when everyone involved is unhappy.” The licensee has manipulated and controlled the so called stakeholder mediation process to the end of accomplishing a settlement agreement and attendant management plans which promote and achieve the licensee agency's agenda and goals without regard for the other stakeholders. In this instance the equestrian and hiking trails are proposed to be converted to multi-use with only an

¹³ Action Coalition for Equestrians, Backcountry Horsemen of California, California State Horsemen’s Association, Equestrian Trails, Inc., Marin County Horse Council, Pacific Coast Quarter Horse Association, Palos Verdes Peninsula Horsemen’s Association, Recreation and Equestrian Coalition, Sonoma County Horse Council are members of C.E.T. & L.C.

undefined, unfunded, and empty promise of a review of any such conversion, at some unknown time, prior to effecting such a conversion.

The inequity of the process is one reason why the Intervenor hereby file this intervention.

1. The ALP was not a fair or reasoned process of mediating differences to achieve a consensus. The licensee agency (in this case two agencies DWR and DPR) manipulated the process to achieve their agendas.

Some of the intervenors have participated in trails planning as part of the ALP process since it started. Although others may have had what they consider a positive experience with the ALP, those of the Intervenor who have been an active part of the recreation planning process since 2000 have had a very different experience.

There has been a consistent pattern of a volunteer group's coming to consensus on a proposal then having that group disbanded and replaced by another group. Despite these community recommendations, DWR continued with the ulterior motive of hiking-equestrian trails conversion. Finally with the 2004 Trails Focus Group, DWR claimed to have gotten a recommendation to convert the trails although, as detailed below, at least some participants do not recall such a recommendation from the Trails Focus Group.

In 2001, a few months after the ALP process began, it was clear that there was some disagreement about trails planning and trail use in the Project area. The trail users were told they were to solve it themselves. In response to that FERC directive, a group of trail users, without agency participation, met under the aegis of the "Recreation Interim Task Force". Then Feather River Parks District Supervisor Bob Sharkey volunteered to facilitate the meetings. The group achieved consensus, recommending that there be a new separate bike trail. Conversion of the hiking-equestrian trails was not a part of the plan. The last meeting of this group was a joint

meeting with the Lake Oroville Bicycle Organization (“LOBO”); of the eight or so LOBO members attending, all but one, Lyle Wright, agreed with the proposal to establish a separate bike trail. LOBO was to write to DWR and DPR supporting these separate trails. Later, we learned that DPR and DWR had met with LOBO and told them that additional single-track trails for mountain bikes were never going to happen.¹⁴

This plan, which had biker, hiker and equestrian support, was brought back to the Recreation Interim Task Force which approved it and forwarded it to the Recreation and Socio-Economic Work Group which also approved it, showing the bike trail among the top ten priorities.¹⁵ From there it went to the Plenary Group where once again the proposal to add a separate bike trail was approved; **converting the hiking-equestrian trails was not part of the proposal**. The proposal was then presented to and accepted by DWR as an interim project proposal in February 2002. Ironically, side by side with the newspaper article reporting DWR’s decision accepting the bike trail interim project is another front page detailing a DPR decision. In this case, it is article announcing LOSRA Superintendent Kate Foley’s decision to open all the LOSRA trails to multi-use, **in spite of the input of users to preserve the traditional hiking-equestrian trails**. See Exhibit K.

At the same time that the Interim group was working, the Joint Powers Authority (“JPA”) hired Peter Dangermond, a recreation planning consultant, to facilitate a Trails Task Force, essentially duplicating the work of the Interim group. Many of the current intervenors volunteered for this group as well even though they recognized there was an obvious duplication of effort. The consensus report from this group to the Joint Powers Authority was a recommendation for a separate mountain bike trail. **There was never a consensus to convert**

¹⁴ See declarations of Janine Cody, Exhibit H, and Robert Weinzinger, Exhibit I.

¹⁵ Recommendations to the Recreation and Socioeconomics Work Group, October 25, 2001, Exhibit J, cover sheet, pages 1-5, 10.

the hiking-equestrian trails to multi-use. JPA approved the recommendation to go forward to DWR, actually including proposals for several new multi-use trails along with a dedicated bike trail while preserving the traditional hiking-equestrian trails. [See Exhibit L attached, the 2001 Dangermond Committee report]

In 2003, DWR asked Peter Dangermond to convene another trails planning group for the purpose of developing protection, mitigation and enhancement measures (“PM&Es”). They provided a recommendation similar to the 2001 group though by this time, with DPR’s unilateral multi-use conversion, the hiking-equestrian trails were increasingly controversial.

The FERC-mandated Oroville Recreation Advisory Committee (“ORAC”) confirmed its support for this JPA–Interim Project plan in a March 17, 2003 letter to FERC:

“The ORAC supports multi-use trails, and is in favor of building additional trails in the project. ... The ORAC **does not support the conversion of the Dan Beebe Trail, the Loafer Creek Trail and the Roy Rogers Trail to multi-use.** ... **The ORAC is in favor of the single-track mountain bike trail plan as approved by the Plenary Group as an interim project.** ... **The ORAC has taken extensive public input on the subject of trails use for over 8 years.** This is well documented in ORAC’s minutes which are in FERC’s possession.”¹⁶

Despite the clear and consistent work of two volunteer groups and the FERC-mandated ORAC clearly recommending a separate bike trail and leaving the traditional hiking-equestrian trails as they were, DWR and DPR continued on their own agenda.

In 2002 DPR unilaterally undertook the unauthorized conversion of the hiking-equestrian trails to multi-use. It is the Intervenor’s impression that the unauthorized conversion of the traditional hiking-equestrian trails had a major role in allowing DWR/DPR to put these trails

¹⁶ Letter from Wade Hough, Chairman, ORAC, to Magalie Salas, Secretary, FERC, dated March 17, 2003, Exhibit M, pg. 1.

more visibly on the table as negotiable rather than protected as a part of the existing recreational facilities to be “continued to be maintained” as guaranteed by the 1993 Recreation Plan.¹⁷

In 2004, FERC ordered DWR to return the hiking-equestrian trails to their original configuration and remove biking as an inappropriate use. FERC reconfirmed this order in January 2005. DWR/DPR agreed to comply. And, DWR convened yet another trails planning group, despite the years of effort and consistent recommendations of prior working groups and ORAC to add a single-track bike trail and leave the hiking-equestrian trails alone.

In Fall 2004, DWR created the “Trails Focus Group.” As described by Mark Andersen, Chief, Oroville Facilities Relicensing Branch, DWR, DWR wanted to sit down and determine “with each user group/interest having an opportunity to propose dedicated trail use ideas, and to ultimately determine **if there are specific exceptions to the 100% multi-use trail approach that most or all users can agree on.**”¹⁸ Suddenly all Project trails were to be converted to multi-use, unless there was a specific reason to except such a conversion.

At the second meeting of this group, participants were separated into two working groups, basically divided along equestrian-hiker and biker lines. Each group was given a mylar map on which to mark their recommendations for the trails. The group facilitators took the proposals and returned with two mapped proposals at the third meeting. Equestrian participants in the process believe that their proposal was grossly misrepresented. Janine Cody raised the issue that the map was incorrect; she was told that it was incorrect but the facilitators did not change the mapping. This working group did not achieve consensus.

At this third meeting there was a vote of the members, with votes distributed among the hiker-equestrian, biker, and a hybrid equestrian-biker-hiker third alternative which some meeting

¹⁷ “Proposed Amended Recreation Plan for Lake Oroville State Recreation Area”, Department of Water Resources, June 1993, pg. xi [Exhibit N].

¹⁸ Email from Mark Andersen to Cathy Hodges, dated September 23, 2004, Exhibit O.

participants demanded be considered, even if it was not accepted as a formal option. The intervenors who participated in these meetings are clear there was to have been a fourth meeting of this group on November 30, 2004, to come to an agreed-upon final recommendation. That meeting was cancelled by DWR. See declarations of Janine Cody, Robert Weinzinger, and Annette Kolkey, Exhibits H, I and P. DWR instead brought forward its own proposal, which is represented in the December 2005 RMP, converting the majority of the traditional hiking-equestrian trails to multi-use.

There are many more examples of a flawed and manipulated trails planning process. The status of the trails was a part of the settlement negotiations. In August 2005, Intervenors asked to bring their proposal for a blend of multi-use, biking and hiking-equestrian trails to the settlement negotiations table. They were told by the group facilitator that they would have to get significant support from the other group members before any such proposal would be considered. The proposal was presented at the September 2005 Settlement Negotiations meeting. ORAC followed up on behalf of the Intervenors, stating they found the proposal “consistent with the principles for Trails that ORAC from inception has supported for fair and balanced recreation experience for all trail users, while maintaining consistency with environmental and safety requirements.” Despite ORAC’s support, as well as support from the four local horse clubs, for the equestrian-hiker proposal, DWR went forward with its recommendation in the RMP that the hiking-equestrian trails be converted. The conversion proposal clearly lacked broadly-based support; nonetheless it went forward. There was no further opportunity for those intervenors active in the settlement negotiations to have input. A key December 14, 2005 meeting of the settlement negotiation group regarding recreation was cancelled. The facilitator instead

convened a “by invitation only” meeting of some of the interested parties to discuss the recreation elements of the settlement agreement.¹⁹ Intervenors were not invited to that meeting.

DWR now presents its December 2005 Recreation Management Plan, claiming that it has broad community and user group support. It has been promulgated despite workgroup and ORAC recommendations that a single-track bike trail be added and that the hiking-equestrian trails be preserved. Since the RMP was issued in December 2005, ORAC has filed a lengthy letter providing its comments and recommendations on Project 2100 recreation matters. ORAC’s comments on the trails provide an excellent summary of the efforts to preserve the trails:

“For several years ORAC, DPR and the Licensee have been devoting great expenses of meeting times and resources to guarantee unique hiking, equestrian and biking experiences on Project lands. FERC’s Order issued January 21, 2005 to return the trails to the 1994 order was in response to the proposed 2002 CDWR-DPR trail amendment for Multi-use. The Commissions ruling upheld the original trail designs and found that mixing biking with equestrian-hiking use dangerous and unnecessary for the 2100 Project. There is more than sufficient land resources available to insure a unique trail experience for each.

“We recommend the current trail system be continued into the new license except for a very short transition section where user trails may overlap be designated multi-use. We further recommend the Demonstration Mountain Bike trail agreed to in the interim projects be developed either on Project lands or property Pacific Gas & Electric could make available.”²⁰

Recently California State Senator Sam Aanestad, 4th District, has added his voice, once again drawing into question DWR’s claim to broad public support for the conversion of the traditional hiking-equestrian trails. He first identifies several concerns and questions about the ALP process. He references the more than 1300 signatures on petitions to preserve the

¹⁹ See Exhibit Q, email dated December 22, 2005, from Anna West, Kearns & West [settlement group facilitators] to Cathy Hodges.

²⁰ Letter from Kevin Zeitler, Chair, ORAC to Magalie Salas, Secretary, FERC, dated January 27, 2006, pg.8, Exhibit R.

traditional trails²¹ along with support from local and state horse clubs. Sen. Aanestad comes to the conclusion that “the public is not being listened to” at the Oroville Project.²²

From the Intervenor’s perspective, this proposed trails conversion does nothing to enhance the recreational resource. It creates unsafe and inappropriate multi-use trails with the result that hikers and equestrians **lose** access to a unique and valued trails experience.

2. DWR and DPR Brought Their Own Agenda and Bias to the ALP Trails Planning Process.

When the ALP began, DWR published a relicensing newsletter. It continued for five issues, from June 2001 to December 2002. In the Winter 2002 issue, Mark Robinson, Director of the Office of Energy Projects at FERC is quoted, describing how an ALP should work:

“If members of the public see that they have an opportunity to change things and that their concerns are listened to, then the licensee is able to develop a sense of good will among the community. That sense of good will is important when you have issues come up in the future and you need the public’s trust to respect your decisions about the project.”²³

Very early in the ALP process, Intervenor’s realized that the licensee had its own agenda and that their concerns were not being taken seriously. There are several examples of the bias that intervenors who volunteered in the planning process experienced.

DPR leadership involved in the Oroville facilities has discounted the value of public input. During the period when the traditional hiking-equestrian trails were illegally converted to multi-use, then Superintendent of the California Department of Parks and Recreation for the Oroville Project 2100 area State Park, Kate Foley (retired) who authorized the trail conversion was questioned:

²¹ Oroville Pageant Riders filed some of these petitions with FERC on January 30, 2006 and has since collected additional signatures. See FERC Doc. No. 20060131-0048.

²² Letter dated March 21, 2006, from Sam Aanestad, Senator, 4th District, to Director Lester Snow, Department of Water Resources, pg 2, attached as Exhibit S.

²³ Oroville Facilities Relicensing News, December 2002, “FERC Official Discusses the Alternative Licensing Process,” pg. 2, Exhibit T.

“[County Supervisor] Josiassen asked Foley if she held public hearings before changing trail policy. ...**Foley said no, and that public hearings tend to end up in arguments like this meeting, she said, and decisions don’t get made.**

“Public hearings tend to be unproductive,” Foley said. “We wanted it to be a more professional decision making process.” July 13, 2002, Oroville Mercury Register, pp. 1A, 11A; emphasis added.²⁴

The Trails Focus Group which DWR claims provided a trails plan acceptable to users as well as to DWR and DPR had as its agenda **“to identify exceptions to multi-use”**.²⁵ This was not a group organized to continue to provide the existing recreational facilities as promised in the 1993 Recreation Management Plan. As detailed above, it did not achieve consensus on a trails recommendation.

Intervenors join with Butte County in questioning the thoroughness and validity of the licensee’s economic studies. In the “Recreation Activity, Spending, and Associated Impacts Final R-18” study published in May 2004, one finds the following assumptions about recreation spending:

- “Visitation patterns and recreational activities at the Oroville Facilities in the future will generally follow existing patterns.
- “Future visitor spending patterns will remain similar to current patterns.”²⁶

In the same study, the authors estimate total “existing” recreational spending per year in the area at \$30,672,200.²⁷ In the year 2020, they project an increase to \$38,778,200²⁸, approximately 1.6% per year.²⁹ Such modest growth suggests there are no plans for significant enhancements to the recreational facilities at Lake Oroville, enhancements that would attract tourists and

²⁴ Exhibit D, pg. 5.

²⁵ Exhibit O.

²⁶ Recreation Activity, Spending, and Associated Impacts Final R-18, Department of Water Resources, May 2004 , pg. 4-2, Exhibit U.

²⁷ Ibid, pg. 5-2.

²⁸ Ibid, pg. 5-15.

²⁹ Intervenors assume the “existing” data point is 2003, based upon the report publication date of May 2004. In fact, the data may well be based upon an earlier time point since statistics collection is often delayed; if such is the case, the growth projections would be even more discouraging.

increase recreational revenues. These dismal growth projections are despite the projected major increase in potential recreation users as more and more baby boomers retire.

For another example, in their work to protect their unique hiking-equestrian trails, equestrians had meetings with Ruth Coleman, Director of DPR. One of those meetings involved Janet Peterson of Action Coalition of Equestrians and Equine Industry Lobbyist Bob Fox. Ms. Peterson recalls that Ms. Coleman had no interest in the history of the trails, saying something like, "I don't care how the trails got on the ground." She also wrote off horses as a "dying breed." As Ms. Peterson remembers it, her comment was, "Quite frankly, horses do not figure into our future plans."³⁰ That is a rather remarkable view of an industry where the recreation component contributes some \$32 billion to the national economy each year, \$1.9 billion of that contributes to California's economy.³¹

B. MOTION TO INTERVENE AGAINST PORTIONS OF THE DRAFT SETTLEMENT AGREEMENT FILED MARCH 24, 2006. UNDER THE NEW LICENSE, ONLY SIGNATORIES OF THE DRAFT SETTLEMENT AGREEMENT MAY PARTICIPATE ON THE PROPOSED RECREATION ADVISORY COMMITTEE.

The intervenors recently confirmed that the draft settlement agreement which has now been filed, and the associated RMP, exclude anyone who disagrees with its terms from any further official participation in the next 50 years of planning activities. In exchange for signing the agreement, the parties are bound never to put before FERC a criticism of the licensee without first being released from the settlement agreement by the licensee agency itself in a separate and undefined dispute resolution procedure. As Rick Ramirez, DWR Program Director for the relicensing, recently put it in an email to one of the intervenors, "signing the agreement provides

³⁰ Personal communication from Janet Peterson, March 22, 2006.

³¹ "Most Comprehensive Horse Study Ever Reveals a Nearly \$40 Billion Impact on the US Economy, June 28, 2005" United States Equestrian Federation, Inc., highlighting the July 2005 Study of The Economic impact of the California Horse Industry and The Economic Impact of the Horse Industry on the United States which were sponsored by the American Horse Council and conducted by Deloitte Consulting LLP, website, printed 3/28/2006 www.usef.org Exhibit V.

the group with committee status but it also obligates the organization to defend the agreement before FERC.”³²

The statewide California State Horsemen’s Association has been very supportive of preserving the traditional hiking-equestrian trails. For example, in August 2005, the CSHA State Trails Chair wrote to ORAC, saying:

“These [traditional hiking-equestrian trails] were designed for riders and hikers, with steep sections, many blind corners and switchbacks. As hiking and equestrian trails, they offer a wonderful and unique recreational experience. CSHA strongly supports keeping these as hiking and equestrian trails. Converting them to multi-use would make them unsafe and unpleasant for many hikers and equestrians.”³³

Intervenors are unclear as to why, given statewide CSHA’s strong support for the traditional hiking-equestrian trails, statewide President Bob Adams signed the Settlement Agreement. We can only guess that the draconian elements of the agreement led him to believe that if he did not sign it, CSHA would be excluded from sitting at the table to plan Oroville trails and recreation opportunities for the next fifty years.

Some of the terms of the Settlement Agreement³⁴ are quite remarkable. For example, Section 2.1 Purpose states:

“The parties have entered into this Settlement Agreement for the purpose of resolving all issues that have or could have been raised by the Parties in connection with FERC’s order issuing a New Project License. **While recognizing that several regulatory and statutory processes are not yet completed, it is the Parties’ intention that this Settlement Agreement also resolves all issues that may arise in the issuance of all permits and approvals... including but not limited to ESA ... NEPA and CEQA.**”

And, having agreed to environmental analyses before they are complete, signers of the Settlement Agreement further agree, in Section 4.2.1.2:

³² Email dated March 8, 2006, from Rick Ramirez to Janine Cody, Oroville Pageant Riders, Exhibit W.

³³ Letter dated August 3, 2005, from Bob Svedeen, C.S.H.A. State Trails Chairman, to Kevin Zeitler, Chair, ORAC, pg. 1, Exhibit V.

³⁴ Settlement Agreement, pgs. 6-7, 9, 14, Exhibit G.

“No party will use any Material New Information generated in the environmental review, public comments, or otherwise in this relicensing process to revisit the compromises inherent in this Settlement Agreement for the purpose of improving its bargained-for benefits.”

Section 4.6.1 Support for Issuance of New Project License constrains the signers’ ability to propose elements outside of the Settlement agreement:

“To the extent permitted by applicable law, all Parties shall support and advocate through appropriate written communications to FERC...this Settlement Agreement and the PM&E measures stated in Appendix A hereto...[T]he parties agree not to propose, support, or advocate proposed PM&E measures, or license conditions Inconsistent with this Settlement Agreement.”

Finally, from the Settlement Agreement - RMP, only signers are authorized to participate on the proposed Recreation Advisory Committee, which is proposed to replace ORAC.³⁵ Based upon their experience with the process, Intervenor believe the purpose of replacing ORAC is to create a recreation planning committee more amenable to the DWR/DPR agenda, including trails conversion.

Intervenor do not believe that the future recreation planning process can be effective when dissent is not allowed. That is one reason why no local equestrian clubs signed the Settlement Agreement. California State Horsemen’s Association Region 2, which has or has had local horse clubs as its members, is a signer along with state CSHA. However, none of the local equestrian clubs that are, or were until they resigned in protest, CSHA members support the Settlement Agreement. They cannot support an agreement that continues to put forward the flawed recommendation that the major portion of the traditional hiking-equestrian trails be converted to multi-use.

³⁵ Exhibit A, pg. 4-18.

The intervenors ask that FERC remove the draconian provisions of the draft settlement agreement that would exclude Intervenor from future trails planning as members of the RAC, simply because they did not sign the Draft Settlement Agreement.

C. MOTION TO INTERVENE AGAINST THOSE PORTIONS OF THE RECREATION MANAGEMENT PLAN THAT PROPOSE CONVERSION OF THE TRADITIONAL HIKING-EQUESTRIAN TRAILS. THERE IS NO LEGITIMATE BASIS FOR THE CONVERSION OF THE TRADITIONAL HIKING-EQUESTRIAN TRAILS TO MULTI-USE.

In the Recreation Management Plan, DWR proposes to convert parts of each of the original hiking-equestrian trails. From the December 2005 document, which appears to be the same for the relevant pages as the just published March 2006 document:

“6.5.9 Dan Beebe Trail

“Proposed Actions and Enhancements:

Most of the Dan Beebe Trail is proposed to be opened to bicycle use, with the exception of the steep segment over Sycamore Hill.”³⁶

“6.5.12 Loafer Creek Loop Trail

“Proposed Actions and Enhancements:

Most of the Loafer Creek Loop Trail is proposed to be opened to bicycles and designated for multiple use. An exception to the multiple-use designation will be a segment in the vicinity of the Loafer Creek Equestrian Campground, which will remain closed to bicycles.”³⁷

“6.5.16 Roy Rogers Trail

“Proposed Actions and Enhancements:

To provide bicyclists with access from the Loafer Creek Campground to the Saddle Dam area, where the Bidwell Canyon Trail begins, the licensee proposes that the westernmost segment of the Roy Rogers Trail be designated multiple use.”³⁸

Intervenors find no basis for these proposed conversions which will destroy the unique trails experience available to hikers and equestrians. The safety of all users would be threatened. The bikers’ use of the trails would add to the environmental damage caused while these traditional hiking-equestrian trail illegally converted. There are many miles of trails available to

³⁶ RMP, pg. 6-38.

³⁷ Ibid, pg. 6-39.

³⁸ Ibid, pg. 6-41.

bikers in the Lake Oroville project without destroying the unique and valued hiking-equestrian trails.

1. Under the 1993 approved Recreation Management Plan, the Oroville Community was assured that the existing recreational facilities would continue to be provided. Converting the hiking-equestrian trails eliminates a unique and valued user resource.

The approved 1993 Recreation Plan states that the recreational facilities described within that document will “continue to be maintained in the future.”³⁹ On a simplistic basis, adding bikers to single-track hiking-equestrian trails does not eliminate the trails themselves. However, such an addition changes the fundamental experience and safety of those trails in the same way that converting a country lane to a highway changes the users and their experience. In the present case, conversion would mean adding vehicles⁴⁰ to a trail previously only used by pedestrians and horses.

Converting these trails, built years ago for hikers and equestrians and not designed for multiple-use, would not create “shared” trails; rather the trails would be dominated by speeding, irresponsible and indifferent bikers. Too many bikers do not obey speed rules or rights of way. In fact, when accidents occur, many bikers do not stop to assist, they speed on their way, often with curses and insults against the equestrians or hikers they have injured.

Many equestrians report that when trails are converted from hiking and equestrian use to multi-use, they no longer feel safe on those trails and stop using them. Here is just a sampling of their comments. These and others are included in Exhibit Y.

“The conflicts in Annadel Park with bikes are ongoing. The Mounted Assistance Unit has to double up patrols on weekends because of the massive number of bikes – which keep a lot of Equestrians from using the Park on weekends. Annadel narrowed trails and made them unsafe with a lot of bike and other user conflicts. They had to widen trails to make them safe. Now

³⁹ Proposed Amended Recreation Plan for Lake Oroville State Recreation Area, pg xi, Exhibit N.

⁴⁰ California Public Resource Code Section 42165. “**Vehicle**” means any device used for transportation. “**Vehicle**” includes **bicycles**, airplanes, and other transportation devices not used on highways, and automobiles and other vehicles, as defined in Section 670 of the Vehicle Code. [emphasis added]

people do not ride as much on weekends because bikes have taken over Park. China Camp in Marin is an example of a Park that Equestrians do not use anymore because of tremendous bike usage.” Michael Murphy

“As a community member, I was asked by a Sacramento county supervisor in 2003 to serve as her appointee to the American River Parkway Plan Update process. This ‘promised’ one-year volunteer involvement has lengthened into a 2 ½ year project, which is not finished yet!

“During this process, the Update Committee has devoted considerable time to discussing the possibility of admitting Mt. Biking into the Parkway, causing me to research Mt. Biking activities in other areas. Included in my research has been reading large parts of the ‘City of LA Recreation & Parks Dept. Mt. Bike Access working Group Majority Report, September 15, 2000.’

“This very revealing report included dated and signed testimonial letters from individuals and groups across the United States about the dangerous and frightening episodes they’ve experienced with Mt. Bikers. Most have declared that due to these traumatic experiences, they HAVE CHOSEN TO NOT USE THE TRAILS THEY ARE ENTITLED TO USE because they fear for their safety, their group’s safety, and often times, for the safety of their horses. What were once designated as ‘Multi-Use Trails’ have now become ‘Single Use Trails’ - being used by Mt. Bikers only.

“Additionally, I am a member of the California Native Plant Society (CNPS), Sacramento Valley Chapter. In February 2006, the CNPS representative from the Sacramento Valley Chapter to the American River Parkway Plan Update Committee officially notified the management staff that our chapter is strongly opposed to introducing Mt. Biking into the AR Parkway because of widespread concerns about damage to the native habitat – both plant and animal, erosion factors, soil degradation, etc. due to the inability to restrict Mt. Bikers to defined trails.” Peggy (Margaret A.) Berry

“I have ridden horses on this trail since the 1970’s. I have had several negative experiences with mountain bikers while riding my horse on “multi-use” trails. My experience has left me with the strong feeling that horses (and hikers for that matter) are not compatible using the same trails with mountain bikers. I have had a couple of close calls, and if I had not been a strong rider with a well trained horse, there would have been collisions. As a hiker, I’ve also had to jump off a trail to avoid being hit by speeding downhill mountain bikers.” Stephanie Sager

“Sirs, I am requesting that you consider strongly the equestrian population of this north state area in your relicensing process. The number of horses and riders in this area grows every day and needs for accessible, safe areas for planned and unplanned events are very limited. Many of my associates have all but given up on riding at the Orville (sic) area due to the unfriendly and unsafe practices of the majority of bicyclists that frequent the trails. As with Bidwell Park, in Chico, the 2 wheeled populace has all but destroyed the area set aside for horses. Ever meet a biker coming down a narrow trail as fast as he can with nowhere to run? Well, I have, and believe me, the options are grim. Most sensible horses used on trails will shy away from bikes because of their speed, rattling and banging, and the rocks they throw.” Peggy Eldridge

“I have also had bikes come over a hill nearly missing my horse and badly spooking her. She is very trail wise, but even the most settled horse will, at times, react when startled. There are many inexperienced riders and horses not used to being out on the trails, which could, and has, led to disaster for both horse, rider, and/or bicyclist. Because of the fact that I do not have to dodge bicyclists, the rides on the beautiful 17 miles of dedicated trails at Oroville are relaxing, enjoyable, and safe.” Karan Jo White

“My brother and I spend some part of our summers hiking on trails in the North Yuba River watershed. Two summers ago we were hiking on the second divide trail north of Downieville in the vicinity of Lavezzola Creek. Because of the behavior mountain bikers on that trail and the damage their bikes have done to the trail and the vegetation beside the trail, I will never hike that trail again. It was a terrible experience in which mountain bikers came barreling down a narrow mountainside trail giving us no heed whatsoever. We barely had time to get out of their way and were forced to cling to trees to keep from falling down the mountain. The destruction of vegetation along the sides of the trail was devastating to see, particularly as I had seen the beauty of the trail before mountain bike enthusiasts began using it.” James Waggener

“Even though my horse is OK with bikes, I really appreciate knowing we are not going to be surprised on these trails by bikes. I have noticed deep rutting on the single track trails at Folsom done by illegal riding on the trails for hiking and equestrian use.” Lynn Lundberg

“Once we found the equestrian trails at Lake Oroville, we were ecstatic. We finally had a quiet and cherished place to ride, which was only twenty minutes from home. The trails there offer the beauty of the countryside along with the lake itself, they are well maintained, and other than coming across other equestrians – it is quiet, we feel relatively safe, and they give us and our mounts a wonderful variety in obstacles and/or terrain. Knowing we did not have to contend with bikes, bicycles, hikers, and especially quad-runners, made it even more wonderful.

“So few places in the north state have decent parks and/or recreation areas, which sanction trail horses and their riders. In my opinion, it is imperative all existing trail systems at Lake Oroville remain as such. I reiterate: for trail horses and their riders only.” Jill M. Slawson

“Since moving into our new home, we have heard the disturbing news that there are plans to allow mountain bikers on the same trail now designated for horses and hikers. This is an extremely dangerous idea. If this were to come about I believe that like myself, most equestrians and hikers would not feel comfortable using the trails, knowing that a speeding bicycle could tear around a bend, spook a group of horses and quite possibly cause someone injury. Mountain biking is a thrill sport pursued at high speeds. Most trail riders and hikers are out enjoying the serenity of nature.” Helen Anderson

“My husband and I have been riding for over 50 years. Our horses are well trained and will tolerate bikes. However, the parks are allowing multi use trails where there is danger involved....We no longer ride at Whiskeytown Lake or Shasta Lake because the narrow, winding trails are too dangerous for multiple use. ... Our horses will tolerate bikes if they can seem them

or if they do not creep up behind us but so many of the state parks do not have safe trails for multiple use. I am afraid that pretty soon we won't have any place to ride.” Joyce Pickering

“I operate a Training Stable south of Oroville, where I give riding lessons to all age groups and all levels of experience. I use the Oroville hiking/equestrian trails to give additional experience to these riders and horses. I refuse to use these trails if they are converted to multi-use. I refuse to risk the safety of my young and inexperienced riders and horses. I came very close to having serious injuries occur because of bicycles on the trail and I will not allow it again.” Jim Halsey

Confirming the reduction of trail use by equestrians and hikers when mountain bikers are allowed on the same trails is the DPR's own Santa Cruz District Trails Supervisor's letter stating:

“I can't help but think that the increased bicycle usage may correlate to a decrease in other trail usage as more of our alignments become multi-use.” (K. Lingenfelter Letter dated 3/10/02 attached to DWR's Recreation Plan License Amendment application, Appendix G.)⁴¹

DWR's limited trail user survey was conducted after the unauthorized conversion of the traditional trails to multi-use so they lost the input of those hikers and equestrians who stopped using the trails as a result of adding bikers.

2. Conversion of the traditional hiking-equestrian trails creates an unsafe and unpleasant trails experience for current users and causes non-bikers to leave the trails due to concerns for their safety.

Intervenors herein assert that the conversion of the equestrian and hiking trails to what is labeled "multi-use" would in fact create a trail system that for all intents and purposes is limited to bikers. That is primarily because of the speed, the discourteous behavior, and thrill seeking uses to which bikers would put these trails. Federal regulations require that “the siting, construction and maintenance of facilities shall be undertaken in a way that avoids or minimizes effects on scenic, **historic**, wildlife and **recreation values**.”⁴²

⁴¹ June 5, 2003 Motion to Intervene, Exhibit D, pg. 18.

⁴² 18 CFR 380.15 (a).

In its own planning documents, DWR labels mountain biking as an “adventure/high risk” activity.⁴³ Even if the majority of bikers do not engage in unsafe trail usages and practices, it only takes a few unregulated and uncontrolled thrill seekers to render an entire trail and park area unsafe for hikers, horses and equestrians.

As DWR itself notes, first in its 1995 Supplemental Recreation Plan: **“Mountain bicycles have an impact on these user groups [hikers and horse riders] and can cause overcrowding as well as conflicts of the users.”**⁴⁴ And again the California Recreational Trail Plan (Phase I) states:

“In some instances, **the retention of current single-track trails can best meet the needs of trail users**, or they may be the only way of allowing public access while ensuring adequate protection of natural or cultural resources. ... **While there has been some integrating or combining of different recreational user needs on individual trails, the efforts have not been universally successful.** In many areas relatively parallel trails designed for different users, such as paved bike trail and an equestrian trail nearby, have been constructive. While **this approach effectively separates two or more relatively incompatible trail uses**, it also is more expensive.” [page 25, emphasis added]⁴⁵

There are documented cases of severe injuries to horses and riders. Indeed, while the LOSRA trails were illegally converted to multi-use, before FERC intervened in the matter and required the return of the trails to their original status under the old license provisions, a woman was thrown from her horse and suffered a broken back when a mountain biker, going too fast, startled her horse. As is too often the case when these incidents occur, the biker just kept on going. Intervenors also call to FERC’s attention that the equestrian tried to file an incident report and was told since she was walking and talking, there was no need for an ambulance, and she could not identify the biker, “it would be a waste of their time to file a report.” No wonder DPR

⁴³ Proposed Recreation Use – Final – R-12, Department of Water Resources, May 2004, pg. 5-18, Exhibit Z.

⁴⁴ Feather River Project Recreation Plan Supplemental Information (1995) DWR, Oroville Field Division, Exhibit AA, p.6.

⁴⁵ The California Recreational Trails Plan, Phase I, may be found at the California Department of Parks and Recreation website: <http://www.parks.ca.gov/pages/1324/files/trails%20plan%20art%20final%203.pmd.pdf>

and DWR claim there are no biker/rider incidents! See Exhibit AB, Declaration of Jacky Becker.

As another example of the hazards of bikers and riders sharing a trail, in October 2005 in Santa Barbara a horse was driven off a steep embankment by a bicyclist who did not stop. The horse eventually died from its injuries; fortunately, in this instance, the rider was not physically injured. The four-year user of the trails in the Santa Barbara area recounts the incident online:

“About a year ago we had a run-in with mountain bikers. Luckily, the bikers had bells on their bikes so we heard them before we actually met with them. Our horses simply turned around when the bikers came around the corner.

“This past Sunday [October 30, 2005] was a different story. I was on the Cold Spring trail, about a mile from the trail head when a mountain bike, no bell, no warning came around a blind corner. The horse spun and fell down a 200 foot drop into Cold Spring Creek. Luckily I was able to get off him about 10 feet down. However, after suffering for 3 hours, with a broken back from the fall, Rocket died at 6:30 pm.”⁴⁶

This account is the first in a series of comments that form a long email thread. Although some of the bikers responding in the thread are sympathetic, the following is a more typical comment:

“Sorry about your loss. I can’t help but feel that in your understandable desire to blame others for your loss, you’re doing the community a disservice. The problem here seems to be that you’re using a multi-use trail with what apparently was an animal unsuited to those challenges. Horses by their sheer size are a threat to everyone around them. A horse that is easily spooked even more so.

“While it’s easy to blame the cyclist for not showing you expected trail courtesy, the fact is that it was your uncontrollable horse that placed both you and itself in danger. It is terrible that such a thing happened, **but with your experience, you must have known the risks before you set out.**” [Emphasis added]

There are numerous other examples of riders or their horses being injured due to speeding bikers. Because equestrians and hikers have learned “the risks” that bikers add to multi-use

⁴⁶ “Cold Spring Danger” viewed March 21, 2006, Exhibit AC, <http://www.santabarbarahikes.com/community/phpbb/viewtopic.php?t=236&start=0&sid=3976c35b0310134e575130b30273f663>

trails, equestrians and hikers often stop using them. What DWR has proposed as shared use trails become, due to risks to hikers and equestrians, dedicated bike tracks. The dangers associated with “shared” use are simply too great.

The letters from interveners and others show that there are many incidents where hikers and people on horses are harmed by or put at risk of serious harm by mountain bikers. These letters and comments are submitted to augment the record in this case. DWR, DPR, and other government staff people have claimed that there is no evidence of incidents or conflicts on the Lake Oroville trails. This is simply not true. If anyone surveys the equestrian and hiker user groups, including those who stopped using the Lake Oroville project area trails system while it was illegally converted, they will find that there are many complaints about actual accidents, injuries, near misses, and fear on the part of hiker and equestrian users.

The mischaracterization that there is no evidence of negative contacts between equestrians and bikers is entirely consistent with a pattern of lobbying by biker groups whereby bikers claim there are few or no negative contacts between user groups. After extensive study the Citizens Advisory Body Convened by the City of Los Angeles Department of Parks and Recreation produced a Majority Report in September 2000 to assist in Griffith Park planning. Their report, which is extensive, was provided as an exhibit to our June 5, 2003 Motion to Intervene. We cited some of their findings in the body of that motion:⁴⁷

“We discovered that the picture of successful trail sharing that had been presented to the Department by mountain biking advocates during the six-year advocacy process that preceded open discussion was not supported by the record. On the contrary, throughout the United States, a pattern of conflict and abuses on shared-use trails has emerged wherever there is population density. These include displacement, conflict, injuries, deaths, liability, and environmental degradation.

“In the U.S. and Canada, recreation districts formerly supportive of mountain

⁴⁷ Motion to Intervene, Comments and Protest, Re: Project 2100-119, dated June 5, 2003, pgs. 16-17, Exhibit D.

biking have closed trails and are in the process of closing trails previously opened to mechanized use. After years of investing recreational dollars, staff time and law enforcement resources into the shared-use effort, they have found that shared use involving mountain biking is unsustainable. This trend is accelerating.

“This information, however, was not available to the Working Group at the start of the process. The bulk of the discussion has taken place without the knowledge of or input from the vast majority of park users and stakeholders. Led by individuals who derive monetary gain from mountain biking, a handful of advocates had set the agenda, shaped official perception, obscured threshold questions, dismissed documented conflicts and failures, belittled or stigmatized opposing viewpoints, and otherwise worked to erect a bulwark of myopia surrounding this issue.” Majority Report Overview and Recommendations, p. 1.

“Once mountain biking is added to the trails, it defines the experience for everyone else. Trails that are redesignated as shared or “multi-use”, i.e., open to mountain biking, inexorably become single use trails — trails used by mountain bikers only. Users accessing the trail on foot decline because hiking, walking, running, and horseback riding in a vehicle environment becomes hazardous and stressful. The mind must stay focused, senses alert, reflexes at the ready to avoid collision. Those who come to the parks for relaxation ultimately withdraw.” [Citing the “Documented Evidence of User Conflict” portion of the Majority Report.] Majority Report, “Equity, Sharing and Civil Rights” pp.3-4; emphasis added.

Not surprisingly, bikers are not allowed to share the trails in Griffith Park, Los Angeles. They use to some 50 miles of paved roads; the park also has 55 miles of dirt trails for hikers and equestrians. There is only one park in the City of Los Angeles where bikers share trails with hikers and equestrians; they are otherwise restricted to paved trails.⁴⁸

Intervenors have shared their concerns for hiker and equestrian safety with both DPR and DWR. They have been told that there are no records of any incidents on the trails. Based upon Jacky Becker’s experience in attempting to make an incident report to park authorities⁴⁹, DWR and DPR are only interested in catastrophic incidents and do not care about the overall safety of the trail users nor the quality of their trails experience. No wonder there are no incident reports.

⁴⁸ Los Angeles City Ordinance 63.44 Paragraph B16.

⁴⁹ Declaration of Jacky Becker, Exhibit AB.

That attitude is yet another reason to protect hikers and equestrians by preserving some hiking-equestrian trails where their safety is not threatened by bikers.

3. The historic hiking-equestrian trails, the Dan Beebe, Roy Rogers, and Loafer Creek Loop Trails, are not safe or appropriate for conversion to multiple-use.

Given DWR and DPR's lack of study and detailed assessment of the hiking-equestrian trails, volunteers recently walked approximately 10 miles of the Dan Beebe Trail as well as 3 miles of the Roy Rogers and Loafer Creek Trails to gain some basic documentation on the trails and their configuration. They did not hike the Sycamore Hill section. The volunteers provided the following information, under the headings "Background, Reasons Against Converting the Traditional Hiking-Equestrian Trails to Multi-use, and Recommended Actions":

Background:

1. The Dan Beebe Trail was designed, constructed, and used as a riding and hiking trail since its inception in 1963 until 2002 when it was illegally converted to multi-use. The Roy Rogers and Loafer Creek Trails were dedicated in the late 1980s and also were illegally converted to multi-use from 2002 to 2004.
2. The trails were successfully used by hikers and equestrians prior to their conversion and were valued for their splendor as intimate and beautiful single-track trails that offered solitude and safety.
3. In 2000, perhaps earlier, State Parks began to widen portions of the trails from a single track to a 4-foot width and converted them in 2002 to "multi-use", to allow mountain bicycles to share the trails with hikers and equestrians.
4. Modifications to the trails and their change in designation were opposed by hikers and equestrians who successfully intervened and FERC ordered the trails returned to their original hiking-equestrian status in 2004.
5. Widening of the trails with mechanical equipment destroyed the established single track tread, removed functioning water bars and drainage patterns, and created erosion and an unconsolidated trail surface that degraded both the physical and aesthetic qualities of the trail. These environmental impacts of these actions have never been evaluated.
6. The introduction of bicycles to the trails created new safety risks to trail users: fast-moving bikers created new hazards; even slower bikers can be hazardous given the multitude of blind corners along the trail. Unlike hikers and riders who can stop within a stride or two, bikers require some distance to stop and may skid in the process.
7. The 4-foot width is insufficient to allow safe passage of riders or hikers and bikers using the trail, and steep cross slopes often prevent users from stepping easily off the trails to allow safe passage.
8. Trail grades that frequently exceed 10% for extended distances encourage unsafe speeds by bicycles traveling down hill.

9. Some grades exceed 20% along the trail and 15-20% grades are common.
10. The trails as they exist today do not comply with State Parks standards for multi-use trails.⁵⁰ Scraping and grading them in an attempt to make the trails meet those standards would destroy the quality of the current users' experience and cause significant environmental damage.
11. For these reasons, the traditional hiking-equestrian trails are unsafe and inappropriate for conversion to a multi-use trail.

Reasons Against Converting the Traditional Hiking-Equestrian Trails to Multi-use:

1. The Dan Beebe, Roy Rogers, and Loafer Creek Trails were designed, built, and maintained as single-track equestrian and hiking trails.
2. The historic use of the Dan Beebe Trail was successful and unchanged between construction of the trail in 1963 and its unilateral conversion by State Parks in 2002. It and the other hiking-equestrian trails were returned to hiking-equestrian use by FERC order in 2004.
3. Widening portions of the trails from single track to their current 4-foot width both destroyed the stability and integrity of the trail surfaces and changed the intimate and desirable character of the single track by removing desirable vegetation and native rock outcroppings.
4. During the unauthorized conversion when mountain bikers used the trails, many hikers and equestrians felt unsafe and were deterred from using these historical riding and hiking paths.
5. There have been incidents between cyclists and equestrians. One example is documented in the declaration of Jacky Becker, attached as Exhibit AB. Ms. Becker rode the Loafer Creek Trail in September 2003 during the period of its unauthorized conversion.
6. The fundamental qualities of the equestrian and hiking experience that make these trails desirable have been seriously degraded. The proposed conversion would make what has been a peaceful and serene trail experience a hazardous one of anxiety and apprehension.
7. Any attempt to reduce safety hazards through further "improvements" to the trails would only serve to further degrade the intimate and natural character of the former single track trails as they, inevitably, would be engineered to an ever-wider and more open roadway that would be necessary to allow safe passage between fast-moving bicycles and equestrians and hikers.
8. Therefore, only the preservation of the traditional hiking-equestrian trails in their historic use exclusively by equestrians and hikers will satisfactorily resolve these conflicts.

Recommended Actions:

1. Preserve the hiking-equestrian designations on the Dan Beebe, Roy Rogers and Loafer Creek Trails.
2. Allow the trails naturally to return to a single track.

⁵⁰ Trails Handbook, The Resources Agency, Department of Parks and Recreation, 1991, pgs. 16-1 and 16-2, Exhibit AD. Intervenor herein and in their previous intervention allege and show it is impossible at the location of the traditional hiking-equestrian trails to meet recognized "safe engineering practices" as required by 18 CFR 380.15 (c): "Safety Regulations. The requirements of this paragraph do not affect the sponsor's obligation to comply with safety regulations of the U.S. Department of Transportation and recognized safe engineering practices."

3. Establish a new dedicated trail parallel to, but significantly removed from, the Dan Beebe Trail for mountain bicycles.

Exhibit P-1 includes photos which show the character of the Dan Beebe Trail, including examples of some areas where the grade regularly exceeds 10%, and some areas with significant drop off so that trail users cannot safely leave the trail to avoid speeding bikers. The result is a clear sense that this is a beautiful trail designed for hikers and equestrians; it serves those two user groups very well. Exhibit P-2 has photos from the Loafer Creek and Roy Rogers Trails, again showing the single-track nature of the trails. To add bikers to any of these historic hiking-equestrian trails, even just some sections, would degrade the experience for current users, adding hazards that likely would discourage their use of the trails.

It is possible to add dedicated bike trails to the Project area. The Brad Freeman trail was completed with funding from several agencies and entities. It provides 41 miles of trail, circling much of the Oroville Project. DWR described the need for the bike trail, because of crowding and user conflicts, in their 1995 Recreation Plan Supplemental Information:

“As there is currently no designated route for mountain bicycles in the area, the mountain bicycle users must use roadways and trails intended for horses and people. **Mountain bicycles have an impact on these user groups and can cause overcrowding as well as conflicts of the users.** The [then proposed and now existing] mountain bicycle trail will minimize, and in some areas eliminate, these conflicts between users by having a designated bicycle route.”⁵¹

DWR did not advocate conversion of trails to multi-use to provide access for bikers. Like the user groups that would make recommendations during the ALP process, they recommended that a dedicated bike trail be added to LOSRA.

There is no need to convert the traditional hiking-equestrian trails to provide bikers with trail access; they already have many miles of trails within LOSRA and the surrounding area. It is

⁵¹ Exhibit AD, pg. 6.

possible to increase biker access, **without** converting the traditional hiking-equestrian trails.

Exhibit P-3 shows two of the areas along the lakeshore where bikers are allowed.

DWR has no documentation to demonstrate a need to convert the traditional hiking-equestrian trails in its R-13 “Recreation Surveys” document.⁵² The December 2004 document describes the results of user surveys conducted beginning in May 2002. The surveys indicate that horse back riding and hiking are more of an attraction to the area than mountain biking. In Table 5.1-8, “Activities participated in during visit to Lake Oroville area,” mountain biking represents a significantly smaller percentage of chosen activities than is either hiking or horseback riding. Table 5.1-9 again shows horseback riding as the primary activity of a higher percentage of Lake Oroville visitors than mountain biking, 58.6% vs. 8.6% in the Diversion Pool area, for example.

The survey also asked LOSRA users whether they thought that there were too few trail facilities. Some hikers, bikers, and equestrians indicated there were “too few” trails. Equestrians in the diversion pool area had the greatest number of positive responses to this question (43%). DWR indicates that most trail users did not feel crowded, eliminating yet another need to distribute users across a variety of trails. Suggesting support for Intervenors’ motion to preserve the hiking-equestrian trails, the survey identifies problems with other users as one of the leading reasons for trail user dissatisfaction, following maintenance issues and on a par with wanting more trails and being disturbed by trail damage from trail grader use. The survey was conducted during the time that the traditional hiking-equestrian trails were illegally converted to multi-use.

This document, with its survey data, does not provide any demonstrated need to convert the traditional hiking-equestrian trails. There are no other studies available.

⁵² Recreation Surveys – Final – R-13, December 2004, California Department of Water Resources, pgs. 4-1, 5-10, 5-11, 5-27, 5-51 and 5-54, Exhibit AE.

4. Conversion of the traditional hiking-equestrian trails would have a significant environmental impact; this has not been studied. NEPA has not been satisfied.

As the volunteers noted in hiking portions of the traditional hiking-equestrian trails:

“Widening of the trail with mechanical equipment destroyed the established single track tread, removed functioning water bars and drainage patterns, and created erosion and an unconsolidated trail surface that degraded both the physical and aesthetic qualities of the trail. These environmental impacts of these actions have never been evaluated.”

Neither DWR nor DPR has undertaken a detailed assessment of the hiking-equestrian trails which they propose to convert.⁵³ Intervenors are very aware of the sort of trail degradation volunteers have documented on the historic hiking-equestrian trails due to bikers as well as the “maintenance” activities DPR performed during the trails’ unauthorized conversion to multi-use.

One of the intervenors, an equestrian and a biker, notes:

“I’ve seen the ruts caused by my own bike’s tires. Water gets into these ruts and creates stream channels that erode the trail bed. Conversely, when riding horses, I’ve noticed that the horses hoof prints on a sloped trail create tiny dams that prevent the water from creating channels. Later, when the trails have dried, the horses’ hooves tend to flatten out both their own tracks and those of the mountain bikes, as well as tamping fallen leaves into the trail bed, making it less susceptible to erosion. From what I’ve seen of various trails in five states, mountain bikes are an environmental disaster on dirt trails.”⁵⁴

In the RMP at issue, DWR promises an assessment of safety and appropriateness of conversion prior to converting the trails. Such studies are mandatory before conversion is even proposed; they have not been performed. Based upon the experience and observations of many of the Intervenors on the environmental impact on trails of what has already been done, once thorough environmental studies are undertaken, it will be obvious that there are in fact significant impacts to converting the traditional single-track hiking-equestrian trails to multi-use. The extent of those impacts, along with the increased danger to existing trail users, demands the preservation of the existing hiking-equestrian trails.

⁵³ “It will be the general policy of the Federal Energy Regulatory Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (NEPA).” 18 CFR 2.80 (a).

⁵⁴ Personal communication from Kathleen Lyons.

At other park sites in the United States, mountain bikes have caused permanent significant environmental damage. As one example, in its February 1994 issue, National Geographic magazine states: “On BLM Land near Arches National Park, the living desert crust takes a constant beating from mountain bikers, who have chosen this area in Utah as their own special paradise. Thus damaged it may never recover.” Intervenors also refer FERC to a recent detailed review of mountain bike environmental damage submitted by Michael Vandeman, PhD, FERC No. 20060315-5080. And as yet another example, in a USDA Forest Service Research Paper (PSW-RP-226-Web. 1996⁵⁵) a survey of National Park Service managers found:

- 58 percent of Forest managers reported seeing evidence of resource damage from mountain bike use.
- 70 percent of Forest managers reported they had observed or received reports of user conflicts.
- 59 percent of Forest managers observed or reported safety problems related to mountain bike use.

This is the kind of serious and irreparable environmental damage and user conflict which DPR and DWR have chosen to ignore. With blatant disregard for potential impacts on the environment and current trail users, DWR gives itself a finding of no significant impact in their Preliminary Draft Environmental Assessment of the Project.⁵⁶

There are alternatives to converting these trails, including the important “no project” alternative that must be considered in an environmental assessment. The 1993 Recreation Management Plan commits to “continuing existing recreational facilities⁵⁷.”

5. There are no plans or a budget to enforce safe trail use, such as speed and right of way regulations on any of the proposed multi-use trails.

In public workgroup committees and other public input opportunities, Intervenors have supported the establishment of several multi-use trails within LOSRA and the environs where

⁵⁵ <http://www.fs.fed.us/psw/publications/documents/rp-226/>

⁵⁶ PDEA (Exhibit B), pg. 10-1, 10-2.

⁵⁷ Exhibit N, pg. xi.

they believe the configuration of the trail may provide for a safe and appropriate conversion to multi-use. However, Intervenorers are also very aware that the State of California is in a budgetary crisis. There are no detailed plans or proposals to assure the safety of users of these wider, more level and appropriate proposed multi-use trails. Even when the trails are safe and appropriate for conversion to multi-use, unlike the hiking-equestrian trails that are the subject of this intervention, there are staff and resource costs to make those conversions successful. As Superintendent Jacqueline Ball, Gold Fields District, notes in explaining the failure to establish some multi-use trails at the Folsom Lake State Recreation Area:

“[T]o effectively and successfully convert this section of trail [Browns Ravine in the Folsom Lake State Recreation Area] to multi-use would take a good deal of additional staff time, including rangers. The research that FTAG [Folsom Lake Trail Advisory Group] and my staff conducted in evaluating this pilot indicates that agency presence is a critical component for success. The conversion plan called for extensive public education, patrol presence (volunteers and DPR staff) and monitoring – all of which would require additional staff time.”⁵⁸

As was the case in 2002 when Ms. Ball wrote to concerned Folsom Lake SRA park visitors and neighbors, and as is the case today, there are not sufficient funds in the State of California to assure adequate monitoring of multi-use trails. This is true in LOSRA for those trails that ARE safe and appropriate to convert to multi-use; attempting to patrol unsafe and inappropriately converted multi-use trails such as the traditional hiking-equestrian trails would be a budgetary and staffing nightmare.⁵⁹

Based on DPR and DWR actions to date, Intervenorers are concerned that even the more appropriate multi-use conversions proposed in the RMP will not be accompanied by patrolling

⁵⁸ Letter dated April 19, 2002, from Jacqueline Ball, Superintendent, Gold Field District, to Concerned Park Visitor or Neighbor, pg. 1.

⁵⁹ “Reasonable expenditures by a licensee for public recreational development pursuant to an approved plan, including the purchase of land, will be included as part of the project cost.” 18 CFR Section 2.7. There is no evaluation of increased user costs or conversion costs, initial, maintenance, or enforcement costs in any planning documents.

and enforcement provisions to assure the safety of all trail users. Given that fact, Intervenor seek to protect their safety and peaceful enjoyment of at least some trails within LOSRA. The traditional hiking-equestrian trails must remain hiking-equestrian trails in order for the Intervenor as well as other hikers and equestrians to continue to safely enjoy those trails.

V. RELIEF SOUGHT

By filing this intervention these Intervenor are seeking a review and determination of matters related to the recreational planning component of the new license and, more specifically, the review or lack thereof of the traditional equestrian and hiking trails and the proposed conversion of those trails to include mountain bicycles. This intervention is not, therefore, intended to address or interfere with FERC's review of other broader or "larger" issues, such as the operation of the dam itself, hydroelectric power generation and distribution, or water project issues related to down stream users. Intervenor's issues can be addressed in the more limited context of seeking a resolution by FERC of specific inadequacies in the licensee's review of the trails component in the licensee's documentation and proposed recreation plan requirements to be included in the final overall license.

Specifically, the below named organizations and individuals request that (i) these COMMENTS and PROTEST be considered by FERC in its deliberations; (ii) that their MOTION TO INTERVENE be accepted and granted; and (iii) that FERC take the following remedial actions in this matter pursuant to the Federal Power Act and the implementing Code of Federal Regulations at 18 C.F.R. 1 *et seq.* and other federal laws cited herein, as follows:

1. Order DWR to preserve and protect the traditional hiking-equestrian trails as a unique resource for the hikers and equestrians that have enjoyed those trails, some for more than forty years, as well as for future generations of hikers and equestrians. Prevent DWR and DPR from

“maintaining” or modifying these trails by widening them beyond their current single-track configuration. Such “maintenance” would result in the tragic loss of a unique and valued trails experience as well as exacerbate environmental damage from previous “maintenance” activities.

2. Require that DWR and DPR maintain and dedicate these trails as single-track hiking-equestrian trails in the new license period, providing funds sufficient for supervision, signage, and barriers so that the hikers and equestrians who use the trails will be safe from the dangers of bikers riding trails that inappropriate and unsafe for multi-use.

3. Order that DWR and DPR provide copies on request of their financial statements, accountings, budgets, and related information which describes the state agencies’ receipts and expenditures, including funds from contractors, income, and grants, expenses, management costs, and fiscal planning and recreation management process costs for the FERC Project 2100 license area.

4. Revise the draft settlement agreement by the following:

a. Remove the provision in the RMP stating that only parties who signed the proposed settlement agreement may be members of the proposed Recreation Advisory Committee;

b. Remove the provision that a signatory may not consider material new evidence, particularly that provided in the process of NEPA, CEQA or other environmental reviews of any Project proposal;

c. Remove provisions that a signatory may not withdraw from the settlement agreement; and

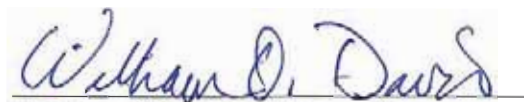
d. Remove the provisions of the settlement agreement that prevent a signatory from criticizing the settlement agreement or the management plans to FERC or any other agency.

CONTACT PERSON FOR INTERVENERS, COMMENTORS, AND PROTESTORS

Please direct questions or provide further information or correspondence to William O. Davis, Attorney at Law; Attention: Tara Steele, Administrative Assistant; 530-335-7166; FAX 530-335-7224; email bdavis@shastalaw.net or tsteele@tsteele.net; PO Box 64, Old Station, CA 96071.

As legal counsel and custodian of records for the below identified moving parties and commentors, I declare subject to the penalty of perjury under the laws of the State of California that the Exhibits attached to and referenced in this document are true and correct copies of the documents they purport to be, and that Service of this Intervention, Comments and Protest was made all parties on the Service List for this Project as shown below.

DATED: March 31, 2006

A handwritten signature in blue ink that reads "William O. Davis". The signature is written in a cursive, flowing style.

William O. Davis, attorney for
Individuals and Organizations as follows:

Intervenors

Note: Individuals or organizations which have not had time to review the Settlement Agreement, Recreation Management Plan, and related Environmental Assessments, may join the present Intervenors in the future. Therefore, there may be separate motions to late join this list.

Organizations

Action Coalition of Equestrians
("A.C.E.")
Attn: Janet Peterson
Meadow Vista, California

Equestrian Trails, Inc.
Attn: Lynn Brown, National Trails
Coordinator
Sylmar, CA

Backcountry Horsemen of California
Caballeros del Sol Unit
Attn: Kathleen Hayden
Santa Ysabel, CA

Golden Feather Riders, Inc.
Attn: Nancy Weininger
Gridley, CA

Backcountry Horsemen of California
Coyote Canyon Caballos d'Anza
Unit
[501 c 3 status pending]
Attn: Robert Hayden
Santa Ysabel, CA

Oroville Pageant Riders (OPR)
Attn: Janine R. Cody
Oroville, CA

Paradise Horsemen's Association
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Backcountry Horsemen of California
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Gridley, CA

Katie Baygell
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California Equestrian Trails & Lands
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Attn: John Keyes, Chair
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Peggy (Margaret A.) Berry
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Randy Brace
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Chico Equestrian Association
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Kim Cipro
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Color Guard Competition,
Cow Palace Challenge National Drill
Team Competition
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Janine and Michael Cody
Members: OPR, PHA
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Valerie Fischer Gates
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Ruth Gerson
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Oroville Chamber of Commerce
Attn: Karolyn Fairbanks
1789 Montgomery Street
Oroville, CA 95965-4820

City of Oroville
Attn: Gordon Andoe, Mayor
1735 Montgomery Street
Oroville, CA 95965-4820

City of Oroville
Attn: Sharon Atteberry
1735 Montgomery Street
Oroville, CA 95965-4820

Lee Carrico
719 Haselbush Lane
Biggs, CA 95917-9742

Lake Oroville Fish Enhancement
Committee – Tom Van Gelder
5360 Treasure Hill Drive
Oroville, CA 95966-3945

Lake Oroville Rec Authority, Inc.
Attn: Donald Blake, Jr.
2175 Feather River Blvd
Oroville, CA 95965-5706

Michael J. Kelley
5055 Miners Ranch Rd
Oroville, CA 95966-9318

Michael L. Morgan
115 Acacia Avenue
Oroville, CA 95966-3658

State Water Contractors
GM Steve Macaulay
455 Capitol Mall, Suite 220
Sacramento, CA 95814-4404

Western Canal Water District
Attn: Bernoy Bradford
1713 W. Biggs-Gridley Rd.
Gridley, CA 95948-9400

Western Canal Water District
Attn: Ted Trimble
PO Box 190
Richvale, CA 95974-0190

Service by Email

American Whitewater Affiliation, Inc.
Attn: Dave Steindorf
dave@amwhitewater.org

Anglers Committee
Attn: Robert Baiocchi
baiocchi@psln.com

Berry Creek Rancheria of Maidu Indians
c/o Wayne M. Whitlock
Pillsbury Winthrop Shaw Pittman LLP
wayne.whitlock@pillsburylaw.com

Butte County
c/o Carol A. Smoots
Perkins Coie LLP
csmoots@perkinscoie.com

California Department of Water Resources
c/o Peter C Kissel
Law Offices of GKRSE
pckissel@gkrse-law.com

California State Water Resources Control
Board
Attn: Sharon Stohrer
sstohrer@waterboards.ca.gov

County of Sutter
Attn: Stuart Somach
ssomach@lawssd.com

Enterprise Rancheria (CA)
Attn: Dan Israel
adamatronics@aol.com

Friends of the River
Attn: Ronald Martin Stork
rstork@friendsoftheriver.org

Kern County Water Agency
c/o Edward J. Tiedemann
Kronick, Moskovitz, Tiedemann & Girard
etiedemann@kmtg.com

Metropolitan Water Dist. of Southern CA
c/o Daniel M. Adamson
Davis Wright Tremaine LLP
danadamson@dwt.com

Metropolitan Water Dist. of Southern CA
Attn: John Schlotterbeck
jschlotterbeck@mwdh2o.com

Mojave Water Agency
c/o Steven K. Beckett
Brunick, Alvarez & Battersby
skbeckett@bbmbllaw.com

National Park Service
Attn: Steven M. Bowes
stephen_bowes@nps.gov

Pacific Gas & Electric Company
Attn: Elizabeth J. Diamond
ejdd@pge.com

Plumas County Flood Control & Water
Attn: Brian Morris
brianmorris@countyofplumas.com

State Water Contractors (CA)
c/o Thomas Berliner
Duane Morris, LLP
tmberliner@duanemorris.com

State Water Contractors (CA)
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Lake Oroville Bicycle Organization
Attn: Lyle Wright
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Michael Joseph Vandeman
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Western Canal Water District
c/o Jeffrey Albert Meith
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jmeith@minasianlaw.com

Western Canal Water District
c/o Kristina Nygaard
Troutman Sanders LLP
kristina.nygaard@troutmansanders.com

**MOTION TO INTERVENE, COMMENTS AND PROTEST, Dated March 31, 2006,
From William O. Davis, an individual, as Agent on behalf of various organizations and
individuals**

**RE: Project P-2100, and P-2100-052, Oroville Facilities – California Department of
Water Resources, Draft Settlement Agreement filed March 24, 2006, and the Draft
Settlement Agreement Recreation Management Plan Dated December 2005**

Exhibits⁶⁰

Exhibit A1: Letter from Lon Crow, FERC to Tres Hobbie, Chair, ORAC, dated August 17, 2000.

Exhibit A: Draft Settlement Agreement Recreation Management Plan [sic], Department of Water Resources, December 2005, selected pages. FERC No. 20060324-5019.

Exhibit B: Preliminary Draft Environmental Assessment, Department of Water Resources, January 2005, selected pages, from DWR's License Application, FERC No. 20050126-4023.

Exhibit C: "Extra Horses Being Sought for Dedication Ride", Oroville Mercury Register, June 4, 1963. "Riding Trail Improvements," Oroville Mercury Register, April 11, 1978.

Exhibit D: Motion to Intervene, Comments and Protest of Action Coalition of Equestrians et al, dated June 5, 2003, Project No. 2100-129. FERC No. 20030606-5007.

Exhibit E: Order Denying Request to Amend Recreation Plan and Final Environmental Assessment, Issued August 17, 2004, Federal Energy Regulatory Commission, Project No. 2100-119. FERC No. 20040817-3010.

Exhibit F: Order Denying Rehearing, Issued January 21, 2005, Federal Energy Regulatory Commission, Project No. 2100-119. FERC No. 20050121-4009.

Exhibit G: Settlement Agreement for Licensing of the Oroville Facilities, State of California, Resources Agency, Department of Water Resources, FERC Project No. 2100, March 2006. Selected pages. FERC No. 20060324-5019.

Exhibit H: Declaration of Janine Cody, dated March 29, 2006.

Exhibit I: Declaration of Robert Weinzinger, dated March 27, 2006.

⁶⁰ In the interest of brevity and a manageable document, Intervenor's have only provided the referenced pages to the various agency documents cited as Exhibits in the matter. Their FERC eLibrary document numbers are noted as part of the citation.

Exhibit J: Recommendations to the Recreation and Socioeconomics Work Group, October 25, 2001.

Exhibit K: “Lake rec projects approved;” “Lake Oroville SRA expands trails use;” Oroville Mercury Register, February 8, 2002.

Exhibit L: “Final Trails Committee Report” dated September 21, 2001, from Pete Dangermond to Chairman and Board of Directors.

Exhibit M: Letter from Wade Hough, Chairman, ORAC, to Magalie Salas, Secretary, FERC, dated March 17, 2003. Department of Water Resources, June 1993.

Exhibit N: Proposed Amended Recreation Plan for Lake Oroville State Recreation Area, California Department of Water Resources, June 1993, selected pages. FERC No. 19930604-0332.

Exhibit O: Email from Mark Andersen to Cathy Hodges, dated September 23, 2004.

Exhibit P: Declaration of Annette D. Kolkey, dated March 28, 2006.

Exhibit Q: Email dated December 22, 2005, from Anna West, Kearns & West [settlement group facilitators] to Cathy Hodges.

Exhibit R: Letter from Kevin Zeitler, Chair, ORAC to Magalie Salas, Secretary, FERC, dated January 27, 2006.

Exhibit S: Letter dated March 21, 2006, from Sam Aanested, Senator, 4th District, to Director Lester Snow, Department of Water Resources.

Exhibit T: Oroville Facilities Relicensing News, December 2002, “FERC Official Discusses the Alternative Licensing Process,” pg. 2, 6.

Exhibit U: Recreation Activity, Spending, and Associated Impacts Final R-18, Department of Water Resources, May 2004 , pg. 4-2

Exhibit V: “Most Comprehensive Horse Study Ever Reveals a Nearly \$40 Billion Impact on the US Economy, June 28, 2005” United States Equestrian Federation, Inc., website, printed 3/28/2006 www.usef.org

Exhibit W: Email dated March 8, 2006, from Rick Ramirez to Janine Cody, Oroville Pageant Riders.

Exhibit X: Letter dated August 3, 2005, from Bob Svedeen, C.S.H.A. State Trails Chairman, to Kevin Zeitler, Chair, ORAC.

Exhibit Y: Letters, emails and survey responses provided by hikers and equestrians:

- Email sent September 14, 2004, 7:08 p.m., from Peggy Eldridge.
- Letter dated November 28, 2004, from Karan Jo White
- Letter dated November 30, 2004, James Waggener
- Email dated December 11, 2004 from Lynn Brown.
- Letter to the Editor, Oroville Mercury Register, January 22, 2005.
- Email dated July 31, 2005 from Joyce Pickering.
- Letter dated August 3, 2005 from Uel B. Marr.
- Tapia Spur Trail Accident, August 9, 2005, from Saul Berman.
- Survey form returned to A.C.E. August 24, 2005, from Lynn Lundberg.
- Letter dated October 4, 2005, from Jill M. Slawson.
- Letter dated March 23, 2006 from Helen Anderson.
- Survey and accompanying comment dated March 25, 2005 from Randy Brace.
- Faxed letter and survey form returned to A.C.E. dated March 27, 2006, from Michael Murphy.
- Letter dated March 28, from Jim Halsey, Halsey Creations.
- Letter dated March 29, 2006, from Peggy (Margaret A.) Berry.
- Letter dated March 29, 2006, from Stephanie Sager.

Exhibit Z: Proposed Recreation Use – Final – R-12, Department of Water Resources, May 2004, selected pages.

Exhibit AA: Feather River Project Recreation Plan Supplemental Information (1995) DWR, Oroville Field Division. FERC No. 19950914-0023.

Exhibit AB: Declaration of Jacky Becker, dated March 29, 2006.

Exhibit AC:

<http://www.santabarbarahikes.com/community/phpbb/viewtopic.php?t=236&start=0&sid=3976c35b0310134e575130b30273f663> viewed March 21, 2006.

Exhibit AD: Trails Handbook, The Resources Agency, Department of Parks and Recreation, 1991.

Exhibit AE: Recreation Surveys – Final – R-13, December 2004, California Department of Water Resources.

Exhibit AF: Letter dated April 19, 2002, from Jacqueline Ball, Superintendent, Gold Field District, to Concerned Park Visitor or Neighbor.

Photographic Exhibits

P-1: Photographs of the Dan Beebe Trail, taken March 2006.

P-2: Photographs of the Roy Rogers and Loafer Creek Loop Trails, taken ____.

P-3: Photographs of bike trails in LOSRA, taken March 2006.

From: CEQA NSC
Sent: Tuesday, November 30, 2010 11:05 AM
To: West, Heidi
Subject: JBartlett_MHC_11-29-10

Attachments: Change of Use Survey 11-30-2010.doc

From: Joel Bartlett [joelpbartlett@yahoo.com]
Sent: Monday, November 29, 2010 2:00 PM
To: CEQA NSC
Subject: Change In Use

Please find attached a letter RE: Road and Trail Change-In-Use Evaluation Process from the Marin Horse Council.

Best regards,
Joel Bartlett
President
Marin Horse Council



**Marin Horse Council
171 Bel Marin Keys Blvd.
Novato, California 94949**

November 29, 2010

Heidi West, Environmental Coordinator
California State Parks
Northern Service Center
One Capitol Mall, Suite 410
Sacramento, California 95814

Via Fax: (916) 445-8883

Email: ceqansc@parks.ca.gov

**RE: ROAD AND TRAIL CHANGE-IN-USE EVALUATION PROCESS
Program Environmental Impact Report
State Clearinghouse Number 2010092023
ELIMINATION OF COMPLETE CEQA PROCESS**

Dear Ms. West:

The Marin Horse Council is writing to you with grave concerns about the subject process that the State Parks are proposing to initiate that will in anyway **“benefit from streamling of the CEQA process”**. In addition to the preservation of the environment in our precious State Parks we are also concerned about the displacement of historical users who travel by foot due to eminent safety concerns that change in use will present if non-motorized vehicles are allowed on foot paths.

It is unimaginable that this proposed “project” could cover all the environment and safety issues on every trail change that the State Parks would consider doing. Due to extreme pressure from non-motorized users to open foot paths to their use, it is understandable that the State Parks would consider streamlining the process of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. However, we must not allow the greasing of the wheels of change to compromise the environment and the

Page 2 of 2
Heidi West,
California State Parks
November 29, 2010

safety of the larger group of traditional users. A check list will not replace the well-thought requirements of CEQA. The CEQA guidelines exist to protect the environment of the State Parks. The majority of Americans and traditional users of the State Parks demand the State Parks land managers protect the environment of our Parks not compromise it at the request of a user group.

Recently, the State Parks tried to make inappropriate user changes to Bill's Trail in Marin County. Biking organizations were so sure these changes would happen they even made public announcements it was open to non-motorized vehicles. Fortunately, the Marin Conservation League brought suit to protect the environment and uphold the CEQA requirements. This was a loud statement from a large member-based, environmental group. Why has the State Parks refused to hear this call to protect the environment and instead seems to be making an end-run at the CEQA process?

In Marin County one of our County Parks, China Camp, was made to open its foot paths to non-motorized vehicles. The results are visible to any visitor of the Park and we recommend State Park officials visit this Park. There is degradation of the trails and environment from bike use. There is displacement of traditional users due to safety concerns, i.e. hikers and the elderly who live close by in retirement residences, and equestrians. Now this beautiful park is primarily used only by bikers. Traditional users of the State Parks should not be put at physical harm when visiting the State Parks.

We are asking the land managers of the State Parks to respect the natural environment of our State Parks by honoring the CEQA process and to protect the safety of the traditional visitors, who are the largest users of our California State Parks.

Yours truly,

Joel Bartlett
President
Marin Horse Council

JB/ab

From: CEQA NSC
Sent: Tuesday, November 30, 2010 10:31 AM
To: West, Heidi
Subject: DFeldmann_SB Audubon_11-30-10

Attachments: SBVAS re State Parks Change in Use.doc

From: Drew Feldmann [drewf3@verizon.net]
Sent: Tuesday, November 30, 2010 10:28 AM
To: CEQA NSC
Cc: kstitt@earthlink.net
Subject: Change in Use

[Please see the attached comments.](#)

[Thank you.](#)

Drew Feldmann
Conservation Chair
San Bernardino Valley Audubon Society
909-881-6081

November 29, 2010

Heidi West, Environmental Coordinator
California State parks
Northern Service Center
One Capitol Mall, Suite 410
Sacramento, CA 95814

By email to ceqansc@parks.ca.gov

SUBJECT: Comments on Revised Notice of Preparation of Road and Trail Change in Use
Program Environmental Impact Report (PEIR); State Clearing House Number
2010092023

The San Bernardino Valley Audubon Society is the local chapter of the National Audubon Society for almost all of Riverside and San Bernardino Counties, and has about sixteen hundred members in that area. Our missions are the protection of natural habitat for birds and other wildlife, and public education about the environment. We are a 501c(3) organization. Our members are active users of state parks and recreation areas (herein after “park” or “parks”), as many of these areas are good places to observe California’s diverse population of birds.

SBVAS has reviewed the revised NOP for this project, and an SBVAS board member attended the public scoping meeting held at Lake Perris on November 13, 2010.

This program will have numerous variables depending on the specifics of current road or trail use and the proposed future road or trail use that will vary not just from park to park but likely within individual parks. Indeed, the NOP lists some twenty or so different possibilities changes for a single road or trail. Multiplying that by all the roads and trails in all the parks results in an enormous number, so understandably, State Parks has chosen to develop a PEIR to address the issue, which will have to be generic in nature.

For the same reasons, this letter of comment, in advance of the PEIR, will be generic in nature and will address our most basic concerns. These concerns are primarily the likelihood of loss of habitat with its negative impact on wildlife populations, and to what extent will the proposed changes increase greenhouse gases or otherwise promote climate change.

Questions that must be asked of each proposed change (or lack of change in the face of a perceived need), include:

- Balancing the perceived need for a change against the likely negative consequences. Is the change truly necessary? What factors truly justify a change from the status quo?
- What will be the impact on biological resources if the change is made or not made? With which alternative will biological resources be better off?

- If a change is made that will be deleterious to biological resources, what mitigation will be made that will truly balance or compensate for the deleterious effects? (In our experience, “mitigation” typically results in net loss of habitat.)
- What will be the cumulative impact of all the proposed changes on the environment? On wildlife? On greenhouse gas and climate change factors? Is there some threshold – even if only approximate – after which supposed beneficial effects become progressively less beneficial and more deleterious?
- Given the state’s budgetary problems, should State Parks even be addressing this issue at this time?

These are some of the basic questions that State Parks must thoroughly address in the upcoming PEIR.

Please keep us informed of all public notices, public hearings, published reports, and the like. Our mailing address is given on the letterhead. My phone number and email address are given below.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Drew Feldmann".

Drew Feldmann
Conservation Chair
Drewf3@verizon.net
909-881-6081

Equestrian Trails, Inc. ®



13741 Foothill Boulevard, Suite 100
Sylmar, California 91342
(818) 362-6819 Fax (818) 362-9443
eti@etinational.com

ORGANIZED 1944

November 29, 2010

Environmental Coordinator-Trail PEIR
1 Capital Mall, Suite 410
Sacramento CA 95814

Re: Trails PEIR

Dear Environmental Coordinator,

As the National Trail Coordinator for Equestrian Trails Inc., I have been attending meetings on the Change of Use Program for several years.

As it is now written, the proposed document is deeply flawed in its language and possible execution. It would appear to be very biased as a tool for mountain bikers to crowbar themselves onto trails where their presence is inappropriate and threatens the safety of other users.

State Parks presently has credibility and trust issues involving both hikers and equestrians. With the Change in Use Program, these credibility and trust issue are considerably heightened in the minds of the traditional trail using public. Few people of the traditional group feel that they could use the Change in Use to effectively remove bikes from trails where there are safety and conflict issues.

We reserve the right to submit additional relevant information at a future date.

Sincerely,

LYNN BROWN

A NON-PROFIT ORGANIZATION Dedicated to Equine Legislation, Good Horsemanship, the Acquisition and Preservation of Trails

Please visit our website: etinational.com for Corral activities & information

A NON-PROFIT ORGANIZATION Dedicated to Equine Legislation, Good Horsemanship, the Acquisition and Preservation of Trails

Please visit our website: etinational.com for Corral activities & information

A NON-PROFIT ORGANIZATION Dedicated to Equine Legislation, Good Horsemanship, the Acquisition and Preservation of Trails

ceqansc@parks.ca.gov

From: Waldron, Gary
Sent: Tuesday, November 30, 2010 10:26 AM
To: West, Heidi
Subject: TWard_IMBA_Comments 11-30-10

Attachments: Final PEIR-MSK-Ward.doc; ATT00001..htm
[Heidi,](#)

[Below and attached is related to the Trails PEIR. Please file with the rest of the scoping comments.](#)

[Gary Waldron](#)
[Manager, Resource Services](#)
[Northern Service Center](#)
[\(916\) 445-8772](#)

CONFIDENTIALITY NOTICE: This document may contain confidential communications. The information may not be disclosed to anyone other than the intended recipient. If you are not the intended recipient please notify the sender and destroy all copies of the communication.

From: Tom Ward [<mailto:tom@imba.com>]
Sent: Tuesday, November 30, 2010 10:10 AM
To: Waldron, Gary
Subject: Attachment: PEIR Scoping Comments, Road and Trail Change-in-Use

Gary,
Attached please find our comments on the scoping for the Road and Trail Change-in-Use, Program Environmental Impact Report (PEIR). The mountain bike community in California is strongly committed to establishing an objective, science based process for trail access decisions. Too often in the past, trail access decisions have been fraught with bias, whims of users and political overlays that have successfully excluded mountain bikes from some park trails. It is our belief and hope that a carefully constructed PEIR will go a long way in making more efficient and effective trail access decision.

We look forward to working with State Parks on the PEIR, and we are available to provide any additional information as the process moves forward.

We appreciate the opportunity to provide input to this very important process.

Tom


I·M·B·A

 INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION PO BOX 7578 BOULDER CO 80306 USA 303.545.9011 www.imba.com

Tom Ward
 IMBA California Policy Director
 2750 Land Park Drive
 Sacramento, CA 95818
 916-505-6875
tom@imba.com

Gary Waldron
 Environmental Manager
 California State Parks
 Northern Service Center
 One Capitol Mall, Suite 410
 Sacramento, California 95814
gwald@parks.ca.gov

November 29, 2010

Re: Notice of Preparation (NOP)
 2010 Road and Trail Change-in-use Program Environmental Impact Report (PEIR)

Dear Sir:

I am writing on behalf of the International Mountain Bicycling Association (IMBA) and the interests of the millions of mountain bikers that ride natural surface trails throughout California and the California State Park System. The purpose of this letter is to provide input on the Notice of Preparation of the "Road and Trail Change-in-use Evaluation Process, Program Environmental Impact Report, State Clearinghouse # 2010092023" (PEIR).

IMBA is a non-profit educational association, whose mission is to create, enhance and preserve great trail experiences for mountain bikers worldwide. Since 1988, IMBA has been bringing out the best in mountain biking by encouraging low-impact riding, volunteer trail work, participation and cooperation among different trail user groups, grassroots advocacy and innovative trail management solutions. IMBA's worldwide network includes 32,000 individual members, more than 450 bicycle clubs, more than 175 corporate partners and about 200 bicycle retailers. IMBA's members live in all 50 U.S. states, most Canadian provinces and about 30 other countries.

We appreciate the opportunity to comment on the scoping process for the PEIR concerning trail conversions. We have worked with state parks for many months and years in an effort to have more mountain bike access to units in the State Park System. We appreciate the opportunity to comment on a process that we hope will eventually lead to more equitable distribution of trail opportunities for all trail users. Our specific input as to what needs to be included in the future PEIR document is as follows:

General Comments

1. The PEIR should be composed in such a manner as to present exhaustive listings of mitigation measures for as many potential environmental impacts associated with trail conversion projects as feasible. These mitigation measures will then form the "palette" or "toolbox" of implementation actions from which State Parks staff can choose to reduce "potentially significant" impacts to "less than significant with mitigation." The PEIR should make it clear that if project implementation includes the use of any or all applicable mitigations from the PEIR "palette", then no further consideration under CEQA is warranted *unless* there are impacts that are not addressed by mitigation measures contained in the "palette". It must be made clear by State Parks that any and all planning documents make clear which mitigation measures are applicable to

each project. We believe that the use of such a process will “pre-approve” most trail use conversions under consideration by State Parks now and in the future.

2. It must be stated in the PEIR that mountain biking, equestrian use, hiking, walking and running are all legitimate forms of trail recreation and hence have legitimate claim to trails and trail systems in the State Park System. Legitimacy for access should not be based on historical use patterns, who was there first, or who is the most recent arrival. In many cases, cyclists are unjustly vilified and perceived to not belong on natural surface trails. This in turn has influenced public policies and practices that unfairly exclude cyclists from many trail systems.

3. As a guiding principle, the number of trail miles in a given park unit should be proportionately allocated to users based upon the size of the user group. There are millions of mountain bikers in the state, and in many instances they are second to hikers in terms of user numbers, with equestrians being a distant third. Yet cyclists often get the smallest allocation of trail miles, and in some cases no trail miles at all. When a request is made for a change in trail use in a specific park unit, state parks must determine the number of trail miles within the unit and allocate trail miles according to the size of the user group. Calculation of trail miles for cyclists must consider the latent size/demand of the bike community because there are many park units that have unfairly excluding mountain bikers for years.

4. The definition of “trails” must be clearly stated in the PEIR. Mountain bikers, like many other trail users, prefer narrow, singletrack trails as opposed to service and fire roads. Unfortunately, State Parks often counts these roads as “trails” available to cyclists. We strongly urge that the PEIR make it clear that multi-use on singletrack trails is a usage goal for state park units.

5. The subject of “trail conflict”, although not a legitimate topic for a PEIR, nonetheless cannot be ignored and should be addressed in the preamble of the PEIR document. The concept of conflict is highly subjective and is often based on perception instead of reality. In a very general sense, “conflict on the trail can occur whenever people perceive unacceptable differences between themselves and another group. These differences can be as rudimentary as lifestyle and social values, or as specific as choice of clothing, camping spot, or behavior on the trail.” (Managing Mountain Biking, IMBA’S Guide to Providing Great Riding, p 136). Additionally, research findings conducted by Jacob & Schreyer, Roger Moore, Jennifer Hoger & Deborah Chavez point out facts such as:

- Conflicts can occur among different user groups, within the same user group, and due to factors unrelated to trail activity.
- Conflict can be felt or perceived even when there is no actual contact between trail users.
- Conflict can be seen as a difference between perceived “low impact” passive users and “high impact” aggressive users.
- User conflict is a matter of perception and varies from person to person.

Research also demonstrates that effective trail management can mitigate conflict situations; there are many practical and proven solutions to conflict when it occurs or is anticipated. Some examples of solutions to user conflict are as follows:

- Information and education
- Signs
- Setting appropriate expectations for trail users
- Paid and volunteer trail patrols
- Peer education on proper trail behavior
- User involvement and partnerships
- Trail advocacy groups
- User group coalitions
- Volunteer trail work
- Shared-use events
- Designing trails in a way that manages speed

- Providing adequate trail opportunities
- Providing diverse trail experiences
- Spreading users throughout trail systems
- Regulations
- Fair and logical trail access policies
- Rules of the trail
- Open communication with all user groups
- Single-use trails
- One-way trails
- Alternating day user restrictions
- Speed limits

It is essential to stress that alleged or potential conflict should not be used as justification for denying or failing to move forward on a change in trail use request.

For additional consideration of trail conflict and the research conducted on its causes and solutions, please refer to the following sampling of studies:

- Hoyer & Chavez (1998). Conflict and management tactics on the trail. *Parks & Recreation*, 33(9), 41-49.
- Moore, (1994). *Conflicts on Multiple-Use Trails: Synthesis of Literature and State of Practice*. Washington, D.C.: Federal Highway Administration.
- Ramthun (1995). Factors in user group conflict between hikers and mountain bikers. *Leisure Sciences*, 17(3), 159-170
- Schneider (2000). Revisiting and revising recreation conflict research. *Journal of Leisure Research*, 32(1), 129-132.
- Vaske, Donnelly, Karin & Laidlaw (1995). Interpersonal versus social-values conflict. *Leisure Sciences*, 17(3), 205-222

6. One of the background documents for the PEIR is the Trail Use Change Survey that was prepared in 2008. The PEIR should differentiate between those aspects of the Survey that properly deal with environmental impacts, from those that deal with more “social” impacts and thus are not appropriate in the PEIR. The PEIR needs to develop best management practices for trail construction, re-routing and maintenance and the impacts resulting from such activities, which include “social” impacts. This will enable individual parks to efficiently and effectively undertake trail conversion projects without having to undertake additional costly and time consuming CEQA compliance reviews.

7. The Trail Use Change Survey refers to evidence of “unauthorized trail use”, Section 2.4. It is not clear as to just how this information will be used and interpreted. There can be many reasons for unauthorized trail use by mountain bikers. It can result from cyclists being arbitrarily excluded from trails, failure to provide desired trails, or the need for more legitimate trail access. In most cases, unauthorized trail use will not be diminished unless the root causes are identified and dealt with in a constructive manner.

8. The Trail Use Change Survey, Section 7.12 refers to potential workload increase due to a proposed change in use. The perceived potential workload increase should not be used to determine whether a trail is appropriate for multi-use, or a reason to deny access to one user group. Ongoing maintenance workload is a separate issue, and can be addressed in a variety of ways such as changes in budget allocations, grants, volunteerism, adopt a trail programs, etc.

9. The concept of “Change in Use” should be clearly expanded to include situations where a new trail, re-routing of an existing trail, or extensive rehabilitation of an existing trail is necessary.

Probable Environmental Effects & Mitigations

- Terrestrial Biological Resources

- Aquatic Biological Resources
- Geology, Soils, and Mineral
- Hydrology, Water Quality, and Erosion/Sedimentation
- Hazards (user safety)

1. It is important to point out in the PEIR that every user group impacts the trail. The challenge in all trail construction and trail modifications is to make trails sustainable. Sustainable trails have minimal impact to the environment, resist erosion through proper design, construction and maintenance, and blend in with surrounding natural areas. The field of trail engineering and construction has evolved to the point today where professional trail builders are able employ a variety of techniques that mitigate the potential stresses to trails and the surrounding environment. It is now understood that the greatest determinant of sustainable trails is the design and construction of the trail itself as opposed to the type of trail user. The following considerations and trail engineering techniques are a sample listing of mitigation measures (best practices) that are suitable for inclusion in the PEIR, as discussed above in paragraph 1 of General Measures.

- Rolling contours
- Controlling grade (maximum sustainable trail grade)
- Avoid fall line trails
- Avoid flat areas
- Out slope trails
- Grade reversals
- Tread width considerations
- Tread surface composition
- Soil/geotechnical analyses to identify potential problem areas and engineering solutions
- Natural obstacles
- Choke points
- Overall trail design
- Potential trail user (type and numbers)
- Low- or no-impact wetland and water crossings
- Configured loops
- Trail flow or sinuosity
- Trail connectivity
- Vegetation analysis
- Bench cut trails
- Use of hand and mechanized tools
- Switchback construction
- Retaining walls
- Armoring with rock
- Soil hardeners
- Culverts
- Bridges
- Trail drainage
- Trail re-route

2. The PEIR must make use of the body of information and research that deals with the relative environmental impact of different user groups in the trail community. The common environmental impacts associated with recreational trails are:

- Vegetation loss and compositional changes (e.g., spread of invasive species)
- Soil compaction
- Erosion
- Loss of soil structure
- Degraded water quality

- Disruption of wildlife

Mountain biking, like most recreation activities, does impact the environment. However, there are conflicting perceptions in some instances as to the degree of impact to soils, wildlife and vegetation caused by bicycles as opposed to other users such as hikers, runners and equestrians. Fortunately there is a body of empirical, scientific evidence that indicates that mountain biking is no more damaging than other forms of recreation including hiking. Land managers who prohibit bicycle use, while allowing hiking or equestrian use are acting without sound scientific backing. The following are some examples of research conducted that compare the effects of bicyclists with other trail users.

- Marion & Wimpey, (2007). Environmental Impacts of Mountain Biking: Science Review and Best Practices. Originally published in *Managing Mountain Biking: IMBA's Guide to Providing Great Riding* (2007).
- Bjorkman, Alan. 1996. Off Road Bicycle and Hiking Trail User Interactions: A Report to the Wisconsin Natural Resources Board. Wisconsin Department of Natural Resources: Bureau of Research.
- Chiu, Luke and Kriwoken, Lorne. Managing Recreational Mountain Biking in Wellington Park, Tasmania, Australia. *Annals of Leisure Research*, (in press).
- Crockett, Christopher S. 1986. Survey of Ecological Impact Considerations Related to Mountain Bicycle Use on the Edwards Field Trail at Joseph D. Grant County Park. Santa Clara County (CA) Parks Department.
- Gander, Hans and Ingold, Paul. 1996. Reactions of Male Alpine Chamois *Rupicapra r. rupicapra* to Hikers, Joggers and Mountainbikers. *Biological Conservation* 79:107 - 109.
- Goeft, Ute and Alder, Jackie. 2001. Sustainable Mountain Biking: A Case Study from the Southwest of Western Australia. *Journal of Sustainable Tourism* 9(3): 193 - 211.
- Herrero, Jake and Herrero, Stephen. 2000. Management Options for the Moraine Lake Highline Trail: Grizzly Bears and Cyclists.
- Papouchis, Christopher M. and Singer, Francis J. and Sloan, William. 2001. Responses of Desert Bighorn Sheep To Increased Human Recreation. *Journal of Wildlife Management* 65(3): 573 - 582.
- Spahr, Robin. 1990. Factors Affecting The Distribution Of Bald Eagles And Effects Of Human Activity On Bald Eagles Wintering Along The Boise River. Boise State University.
- Taylor, Audrey R. and Knight, Richard L. 2003. Wildlife Responses to Recreation and Associated Visitor Perceptions. *Ecological Applications* 13(4): 951 - 963.
- Thurston, Eden and Reader, Richard J. 2001. Impacts of Experimentally Applied Mountain Biking and Hiking on Vegetation and Soil of a Deciduous Forest. *Environmental Management* 27(3): 397 - 409.
- Weesner, Meg. 2003. Cactus Forest Trail Environmental Assessment, Saguaro National Park, Arizona, National Park Service.
- Wilson, John P. and Seney, Joseph. 1994. Erosional Impacts of Hikers, Horses, Motorcycles and Off-Road Bicycles on Mountain Trails in Montana. *Mountain Research and Development* 47(1): 77 - 88.

3. The scope of the PEIR should include potential safety concerns among different trails users, and the steps that can be taken to insure a pleasant and safe experience for all trail users. The addition of bikes to existing trails can produce degrees of uneasiness among other trail users. Because bikes have the potential to operate at greater speeds than other trail users, non-bikers can have concerns of being run into and injured by fast moving cyclists. The quiet operation of bikes can startle other trail users, and in the case of horses can cause a startle and fleeing response. In addition, some cyclists are not familiar with the behavior of horses and do not understand how to act around them to decrease the likelihood of an accident. The following are examples of mitigation measures that can be taken to manage safety on trails:

- Provide public education on proper trail etiquette
- Provide trail yield instruction signs at all multi-use trailheads
- Provide directional signage

- Conduct multi-use trail workshops
- Conduct horse desensitization sessions
- Work with bike shops, schools, clubs, and outdoor stores to promote low impact riding.
- Park trailhead interpreters to pass out information on proper trail behavior
- Mobilize bike-equestrian patrols
- Increase staff patrol
- Cite violators of trail regulations
- Design trails for speed control (narrow trails, pinch points, obstacles, rough surfaces)
- Design trails for safe passing (strategically placed widened areas, pull out zones)
- Line of sight modifications
- Re-route trails
- Build new trails
- Alternate use restrictions, i.e. bikes one day, horses and walkers another day
- Alternate use by time of day
- Adherence to trail maintenance schedules
- Adopt-a-trail for maintenance by volunteers
- Require cyclists and equestrians to wear helmets
- Disperse use by opening more trails
- Separate trailheads for a central trail system
- Partnerships and MOUs with user groups
- Promote multi-use events, i.e. barbecues, poker rides, trail building, volunteer celebrations
- Use walk your bike zones
- Create multi-use trail advisory committees
- Designate “high speed” trails and “low speed” trails
- Use “stacked loop” trail system design to disperse users
- Keep trails narrow to slow users and reduce environmental impact
- Prohibit off trail travel
- Design trails with sustainable grades
- Use a trail permit/pass system to control trail carrying capacity (permits issued according to proportional size of user group)
- Deploy rangers on bikes and horses in parks.
- Close trails to horses when other less drastic measures have failed
- Close trails to bikes when other less drastic measures have failed

It is our hope that a properly constructed PEIR will enable State Parks to provide strong leadership in meeting the increasing public demand for more trail access throughout the State Park System. Park Districts need to have the tools that will enable them to respond efficiently and effectively to requests for trail use changes, and to properly resist the unfounded objections of those who may oppose any change in the status quo. A robust PEIR will provide these tools, and will help State Parks achieve its dual mandates of environmental protection and recreational access.

We appreciate the opportunity to provide input to this important process.

Sincerely,

Tom Ward
IMBA California Policy Director

From: CEQA NSC
Sent: Thursday, December 02, 2010 10:29 AM
To: West, Heidi
Subject: BSmith_Bay Area Ridge Tr Council_11-30-10

Attachments: Trail change PEIR ltr.pdf
[FYI](#)

From: Bern Smith [bernsmith@ridgetrail.org]
Sent: Tuesday, November 30, 2010 5:08 PM
To: CEQA NSC
Cc: Janet McBride; Dee Swanhuysen
Subject: Trails PEIR

Greetings --

Attached please find our comments concerning the proposed PEIR for road and trail use changes in state parks.

Regards --

--

Bern Smith
South Bay Trail Director
Bay Area Ridge Trail Council
bernsmith@ridgetrail.org
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650 868 5467 cell
1007 General Kennedy #3
San Francisco 94129



Environmental Coordinator – Trails PEIR
1 Capitol Mall, Suite 410
Sacramento, CA 95814

30 November 2010

Re: PEIR for Road & Trail Conversion in California State Parks

Greetings --

The Bay Area Ridge Trail Council (Council) is very interested in the proposed Programmatic Environmental Impact Report (PEIR) and Trail Use Change Evaluation currently being developed by State Parks, for several reasons:

- The Council is committed to creating a safe and environmentally sound multi-use ridgeline trail circling the San Francisco Bay, connecting the region's parks and open spaces for hikers, mountain bicyclists and equestrians
- the Ridge Trail currently crosses 8 State Parks
- Ridge Trail segments are among the first in the state to be evaluated under the proposed use change policy
- the Ridge Trail is a Designated State Trail Corridor (California Recreational Trails Plan)

We have been closely involved in the PEIR and use change policy planning, attending several workshops and field sessions to test the draft survey form. We also have worked closely with Santa Cruz District staff to develop the Castle Rock State Park Skyline Trail upgrade plan that is serving as a test case for the proposed policy.

Please accept the following comments regarding the PEIR and Trail Use Change Evaluation.

Range of actions

Adopting the proposed trail use change policy should help State Parks implement a goal set forth in the State Recreational Trails Plan, to “provide the maximum opportunities for the public use of trails by encouraging the appropriate expansion of

multi-use trails.” In support of this goal, the Council recommends adoption of the draft “Trail Use Change Survey” checklist, with suggested changes/additions described under ‘methods of assessment’ below.

Alternatives

A “parallel” trail option (i.e., possible alignment for **new** trail that would make the desired connections for all users) should be considered if the use change evaluation does not support adding use on an existing route. This consideration would be separate from the provision for “major realignment” already noted in the checklist. We understand that the CEQA process likely would be triggered should a new trail route be planned.

Methods of assessment

We suggest the following additions to the survey evaluation criteria checklist:

#2 Compatibility: add “Is the trail part of a regional trail route that supports additional uses in other jurisdictions?”

#3 Affects to Circulation Patterns: add “Does the change close a “use gap” in a longer, regional trail?”

In the Ridge Trail Council’s experience, most communities and most trails will support multiple uses. Determining how well trails within a region are being “shared” by various use groups will be critical to understanding what can be expected to occur when a trail is opened to additional types of use. Surveying park visitors regarding their satisfaction with existing shared use trails should help determine what issues, if any, may arise when a use is added.

When analyzing existing trail conditions and possibilities to upgrade specific trail segments, wide variations in local conditions will be identified. This suggests it would be prudent to avoid rigid parameters for trail width, slope, rise, tread, etc. For example, Council guidelines for Ridge Trail dimensions include widths as narrow as 18 in. for narrow single track, and as wide as 20 ft. for ranch and fire roads. Survey of nearby trails that sustainably support the proposed additional use could help to determine appropriate design parameters.

Environmental effects

We recommend preserving the CEQA exemption for routine maintenance by providing clear differentiation between maintenance and major realignment or upgrade. Thus, routine maintenance, even in support of adding a use, would not by itself trigger additional environmental review.

Assessing potential impacts due to changes in use can be difficult, and in many cases the discussion about impacts may focus primarily on perceptions of the trail users, rather than empirical evidence. Further, except for demonstrably major impacts such as increased noise due to adding motorcycling to an otherwise non-motorized trail route, the most significant impact to the environment may be the existing trail itself. Beyond that, the absolute number of trail users may be a better indicator of potential impacts than the type of use proposed. Surveys of park visitors, representatives of various groups of trail users, and park staff might provide answers to questions regarding how many additional trail visits may occur.

Mitigation measures to be analyzed

In addition to impact mitigation activities such as interpreting shared use, placing “traffic calming” devices in the trail, alternating use days, and designating uphill-only routes, it should be noted that use changes themselves might mitigate certain environmental impacts. Examples could include:

- reducing vehicle trips if, by opening a trail for additional uses, more visitors have direct park access without the need for a vehicle
- reducing the number of interactions between trail users on any individual route by distributing park visitors over a broader area
- increasing the pool of volunteers available for trail maintenance, monitoring and restoration

Thank you for the opportunity to add our comments on this important policy issue. We will follow the progress of this program and provide additional comments and support when appropriate.

Regards --



Bern Smith

South Bay Trail Director

From: CEQA NSC
Sent: Tuesday, November 30, 2010 10:33 AM
To: West, Heidi
Subject: GGrady_SDMBA_11-30-10

Attachments: 2007_MTB-impacts_Marion.pdf; ATT00001..htm; CSP_PEIR_comment01.pdf; ATT00002..htm

From: Gardner Grady [gggraphx@cox.net]
Sent: Tuesday, November 30, 2010 10:28 AM
To: CEQA NSC
Cc: Russ Boggs MB
Subject: Trails PEIR

Environmental Coordinator Trails PEIR
1 Capitol Mall, Suite 410
Sacramento, CA 95814
Comments submitted by email should be sent to: ceqansc@parks.ca.gov

Thank you for considering our comments during the scoping period for the State Parks Roads and Trails Change-in-Use Program environmental impact report (PEIR). One of our members, Russ Boggs, attended the scoping meeting in Perris in November.

Our understanding is that the California State Parks (CSP) is using this PEIR to develop an overall framework and consistent approach to changing the use designation on roads and trails. We applaud the CSP for undertaking this project. California's population continues to increase, and the CSP system needs to keep pace with providing its increased number of residents with "opportunities for high-quality outdoor recreation" as stated in CSP's mission statement (CSP website: "Our Mission" www.parks.ca.gov/?page_id=91; accessed on November 27, 2010).

Additionally, it appears that the users of California SP are increasing in their diversity; this increased diversity includes how they choose to enjoy their time outdoors. Thirty years ago, virtually the only non-motorized travelers on state park trails were hikers, runners and horseback riders. Today, a relatively new group of users, mountain bikers, have come to enjoy the backcountry regions of state parks. Unfortunately, they are excluded from large numbers of trails. For one thing, mountain bikers are permanently excluded from regions of state parks that are also designated as wilderness areas, (e.g., Rancho Cuyamaca State Park). There are other trails, however, within state parks that could be used by bicyclists if the use designation was changed. At the same time, as far as we know, there are few or no trails within the CSP system where MTBs have exclusive rights of access or are even favored.

Given that the population of California will continue to increase, increased numbers of residents will result in increased use of trails. It's important to expose our diverse California population to the variety of landscapes of the CSP system.

In evaluating the environmental impact of additional trail users, or the environmental impact of allowing a different class of trail users, the study should focus, at least in part, on the per capita impact. For example, would an individual mountain biker have a greater impact on the trail/environment than an individual hiker? Some studies have found that a hiker or a bicyclist have an equivalent impact on soil erosion, and both have less impact than a horse (see attachments).

Additionally, some consideration should be given to the potential that if a trail is opened to mountain bikes, the usage of other trails used by mountain bikes within the same state park may decrease, and therefore, if indeed there is actually any environmental effect to opening a trail to a new class of users, such an opening may self-mitigate. As an example, if a second trail is opened at the farthest reach of the popular loop, that might decrease use of a first trail.

As much as possible, environmental analysis should take advantage of, and be based on, research publications in the field. For example, some studies suggest mountain bicyclists are less disruptive to wildlife possibly because they are less likely to stop and examine individual animals (i.e., staring and pointing). Also, mountain bicyclists are more likely to stay on the trail than other users, therefore confining the physical environmental impact to just the trail itself.

We have included with this letter a PDF and links from the International Mountain Bicycling Association's (IMBA) website (under resources) representing analysis of recent publications concerning the impact of recreational use on park-like areas. Citations to the actual research papers are contained within PDFs. We would be happy to help you obtain copies of the original papers if it would help you.

In conclusion, it is important to allow use of the CSP system by a diverse group of users. Currently we have a perception that certain user groups are favored in terms of trail use within the CSP system, especially when the wilderness areas are included. Access to the trail system within the CSP should be adjusted to provide equal access to the trail system of all users regardless of their chosen means of recreation.

Our contacts for questions or comments are:
Russell Boggs

619-248-6237
rboggs.mb@gmail.com
and Gardner Grady

Thank you for your consideration,
Gardner Grady

President, San Diego Mountain Biking Association
gardner@sdmba.com
619-448-7313

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Environmental Impacts of Mountain Biking: Science Review and Best Practices

By Jeff Marion and Jeremy Wimpey

*This article was originally published in [Managing Mountain Biking: IMBA's Guide to Providing Great Riding](http://resources/science/.bike_management/managing_mountain_bikes.html) ([/resources/science/.bike_management/managing_mountain_bikes.html](http://resources/science/.bike_management/managing_mountain_bikes.html)), a 256-page book produced by IMBA in 2007. The book offers an essential collection of best practices for planning, designing, and managing successful trail networks and parks. *Managing Mountain Biking* is a companion to IMBA's trailbuilding how-to book [Trail Solutions](http://resources/science/.trail_building/trail_solutions.html) ([/resources/science/.trail_building/trail_solutions.html](http://resources/science/.trail_building/trail_solutions.html)). Both are available at <http://www.imba.com> (<http://www.imba.com>).*

Mountain biking is still a relatively new activity whose environmental impact and contribution to trail degradation is poorly understood. As with all recreational pursuits, it is clear that mountain biking contributes some degree of environmental degradation. In the absence of adequate research, land and trail managers have frequently been cautious, implementing restrictive regulations in some instances (Edger 1997). Surveys of managers have shown that they frequently perceive mountain biking to be a substantial contributor to trail degradation but lack scientific studies or monitoring data to substantiate such concerns (Chavez and others 1993; Schuett 1997). In recent years, however, a small number of studies have been conducted that help clarify the environmental impacts associated with mountain biking. This article describes the general impacts associated with recreational uses of natural surface trails, with a focus on those studies that have examined mountain biking impacts.

Trails are generally regarded as essential facilities in parks and forests. They provide access to remote areas, accommodate a diverse array of recreational activities, and protect resources by concentrating visitor trampling on narrow and resistant tread surfaces. Formal or designated trails are generally designed and constructed, which involves vegetation removal and soil excavation. These changes may be considered "unavoidable," in contrast to "avoidable" post-construction degradation from their subsequent use (e.g., trail widening, erosion, muddiness), or from the development and degradation of informal visitor-created trails.

Common environmental impacts associated with recreational use of trails include:

- Vegetation loss and compositional changes
- Soil compaction
- Erosion
- Muddiness
- Degraded water quality
- Disruption of wildlife

This article is organized into four broad categories: impacts to vegetation, soil, water, and wildlife.

Impacts to Vegetation: General Research

On formal trails, most vegetation is typically removed by construction, maintenance, and visitor use. This impact is necessary and "unavoidable" in order to provide a clear route for trail users. One goal of trail construction and maintenance is to provide a trail only wide enough to accommodate the intended use. Trails made wider than this through visitor use or erosion represent a form of "avoidable" impact. For example, a doubling of trail width represents a doubling of the area of intensive trampling disturbance. Wider trails also expose substantially greater amounts of soil to erosion by wind or water.

The creation and maintenance of trail corridors also removes shrubs and trees, allowing greater sunlight exposure that favors a different set of groundcover plants within trail corridors. Occasional trailside trampling within trail corridors also favors the replacement of fragile plants with those more resistant to trampling traffic. For example, shade-tolerant but fragile broadleaved herbs are frequently replaced by grasses and sedges that are trampling-resistant and require more sunlight to survive. Trail construction, use, and maintenance can also be harmful when trails divide sensitive or rare plant communities.

Trampling - the action of crushing or treading upon vegetation, either by foot, hoof, or tire - contributes to a wide range of vegetation impacts, including damage to plant leaves, stems, and roots, reduction in vegetation height, change in the composition of species, and loss of plants and vegetative cover (Leung & Marion, 1996; Thurston & Reader, 2001).

Trampling associated with "avoidable" off-trail traffic can quickly break down vegetation cover and create a visible route

that attracts additional use. Complete loss of vegetation cover occurs quickly in shady forested areas, less quickly in open areas with resistant grassy vegetation. Regardless, studies have consistently revealed that most impact occurs with initial or low use, with a diminishing increase in impact associated with increasing levels of traffic (Hammit & Cole, 1998; Leung & Marion, 1996). Furthermore, once trampling occurs, vegetative recovery is a very slow process.

Compositional changes in the vegetation along trail corridors can have both beneficial and adverse effects. Trampling-resistant plants provide a durable groundcover that reduces soil loss by wind and water runoff, and root systems that stabilize soils against displacement by heavy traffic. The ecological impacts of such compositional changes are not fully known, except when non-native vegetation is introduced to and spreads along trail corridors. Many of these species are disturbance-associated and are naturally limited to areas where the vegetation is routinely trampled or cut back. However, a few non-native species, once introduced to trail corridors, are able to out-compete native plants and spread away from the trail corridor in undisturbed habitats. Some of these species form dense cover that crowd out or displace native plants. These "invasive" species are particularly undesirable and land managers actively seek to prevent their introduction and spread. Unfortunately their removal is difficult and expensive.

Impacts to Vegetation: Mountain Biking-Specific Research

Only one study found specifically addresses the vegetation impacts associated with mountain biking. Thurston and Reader (2001) conducted an experimental trampling study involving mountain bikers and hikers in Boyne Valley Provincial Park of Ontario, Canada. The researchers measured plant density (number of stems/area), diversity (number of species present), and soil exposure (area of mineral soil exposed) before and after 500 one-way passes by bikers and hikers.

Data analysis and statistical testing revealed that the impacts of hiking and biking were not significantly different for the three indicators measured. They also concluded that impacts from both hikers and bikers were spatially confined to the centerline of the lane (trail).

Impacts to Vegetation: Management Implications

Trail managers can either avoid or minimize impacts to vegetation through careful trail design, construction, maintenance, and management of visitor use. Here are some recommendations to reduce vegetation impacts:

- Design trails that provide the experience that trail users seek to reduce their desire to venture off-trail.
- Locate trails away from rare plants and animals and from sensitive or critical habitats of other species. Involve resource professionals in designing and approving new trail alignments.
- Keep trails narrow to reduce the total area of intensive tread disturbance, slow trail users, and minimize vegetation and soil impacts.
- Limit vegetation disturbance outside the corridor when constructing trails. Hand construction is least disruptive; mechanized construction with small equipment is less disruptive than full-sized equipment; skilled operators do less damage than those with limited experience.
- Locate trails on side-hills where possible. Constructing a side-hill trail requires greater initial vegetation and soil disturbance but sloping topography above and below the trail bench will clearly define the tread and concentrate traffic on it. Trails in flatter terrain or along the fall line may involve less initial disturbance but allow excessive future tread widening and off-tread trampling, which favor non-native plants.
- Use construction techniques that save and redistribute topsoil and excavated plants.

There are also important considerations for maintaining and managing trails to avoid unnecessary ongoing impacts to vegetation:

- While it is necessary to keep the trail corridor free of obstructing vegetation, such work should seek to avoid "day-lighting" the trail corridor when possible. Excessive opening of the overstory allows greater sunlight penetration that permits greater vegetation compositional change and colonization by non-native plants.
- An active maintenance program that removes tree falls and maintains a stable and predictable tread also encourages visitors to remain on the intended narrow tread. A variety of maintenance actions can discourage trail widening, such as only cutting a narrow section out of trees that fall across the trail, limiting the width of vegetation trimming, and defining trail borders with logs, rocks, or other objects that won't impede drainage.
- Use education to discourage off-trail travel, which can quickly lead to the establishment of informal visitor-created trails that unnecessarily remove vegetation cover and spread non-native plants. Such routes often degrade rapidly and are abandoned in favor of adjacent new routes, which unnecessarily magnify the extent and severity of trampling damage.
- Educate visitors to be aware of their ability to carry non-native plant seeds on their bikes or clothing, and encourage them to remove seeds by washing mud from bikes, tires, shoes, and clothing. Preventing the introduction of non-natives is key, as their subsequent removal is difficult and costly.
- Educate visitors about low impact riding practices, such as those contained in the IMBA-approved Leave No Trace Skills & Ethics: Mountain Biking booklet (www.LNT.org (<http://www.LNT.org>)).

For further reading see: Cessford 1995; Grutts and Hollingshead 1995; Thurston and Reader 2001.

Impacts to Soils: General Research

The creation and use of trails also results in soil disturbance. Some loss of soil may be considered an acceptable and unavoidable form of impact on trails. As with vegetation loss, much soil disturbance occurs in the initial construction and use of the trail. During trail construction, surface organic materials (e.g., twigs, leaves, and needles) and organic soils are removed from treads; trails built on sidehill locations require even more extensive excavation. In addition, the underlying mineral soils are compacted during construction and initial use to form a durable tread substrate that supports trail traffic.

In contrast, post-construction soil displacement, erosion, and muddiness represent core forms of avoidable trail impact that require sustained management attention to avoid long-lasting resource degradation. This degradation can reduce the utility of trails as recreation facilities and diminish the quality of visitor experiences. For example, soil erosion exposes rocks and plant roots, creating a rutted and uneven tread surface. Erosion can also be self-perpetuating when treads erode below the surrounding soil level, hindering efforts to divert water from the trail and causing accelerated erosion and muddiness. Similarly, excessive muddiness renders trails less usable and aggravates tread widening and associated vegetation loss as visitors seek to circumvent mud holes and wet soils (Marion, 2006).

Research has shown that visitors notice obvious forms of trail impact, such as excessive muddiness and eroded ruts and tree roots, and that such impacts can degrade the quality of visitor experiences (Roggenbuck and others., 1993; Vaske and others., 1993). Such conditions also increase the difficulty of travel and may threaten visitor safety. Remedying these soil impacts can also require substantial rehabilitation costs. Clearly, one primary trail management objective should be the prevention of excessive soil impacts. Let's examine four common forms of soil impact in greater detail:

The Four Common Forms of Soil Degradation on Trails:

- Compaction
- Muddiness
- Displacement
- Erosion

Compaction: Soil compaction is caused by the weight of trail users and their equipment, which passes through feet, hooves, or tires to the tread surface.

Compacted soils are denser and less permeable to water, which increases water runoff. However, compacted soils also resist erosion and soil displacement and provide durable treads that support traffic. From this perspective, soil compaction is considered beneficial, and it is an unavoidable form of trail impact. Furthermore, a primary resource protection goal is to limit trailside impacts by concentrating traffic on a narrow tread. Success in achieving this objective will necessarily result in higher levels of soil compaction.

The process of compacting the soil can present a difficult challenge, especially on new trails. Unless soils are mechanically compacted during tread construction, initial use compacts the portions of the tread that receive the greatest traffic, generally the center. The associated lowering of the tread surface creates a cupped cross-section that intercepts and collects surface water. In flat terrain this water can pool or form muddy sections; in sloping terrain the water is channeled down the trail, gaining in volume, speed, and erosive potential.

Displacement: Trail users can also push soil laterally, causing displacement and development of ruts, berms, or cupped treads. Soil displacement is particularly evident when soils are damp or loose and when users are moving at higher rates of speed, turning, braking, or other movements that create more lateral force. Soil can also be caught in hooves, footwear, or tire treads, flicked to the side or carried some distance and dropped. Regardless of the mechanism, soil is generally displaced from the tread center to the sides, elevating inslopes or berms, and compounding drainage problems.

Muddiness: When trails are located in areas of poor drainage or across highly organic soils that hold moisture, tread muddiness can become a persistent problem. Muddiness is most commonly associated with locations where water flows across or becomes trapped within flat or low-lying areas. Soil compaction, displacement, and erosion can exacerbate or create problems with muddiness by causing cupped treads that collect water during rainfall or snowmelt. Thus, muddiness can occur even along trails where there is sufficient natural drainage. Subsequent traffic skirts these problem spots, compacting soils along the edges, widening mud holes and tread width, and sometimes creating braided trails that circumvent muddy sections.

Erosion: Soil erosion is an indirect and largely avoidable impact of trails and trail use. Soil can be eroded by wind, but generally, erosion is caused by flowing water. To avoid erosion, sustainable trails are generally constructed with a slightly crowned (flat terrain) or outsloped (sloping terrain) tread. However, subsequent use compacts and/or displaces soils over time to create a cupped or insloped tread surface that intercepts and carries water. The concentrated run-off picks up and carries soil particles downhill, eroding the tread surface.

Loose, uncompacted soil particles are most prone to soil erosion, so trail uses that loosen or detach soils contribute to higher erosion rates. Erosion potential is closely related to trail grade because water becomes substantially more erosive with increasing slope. The size of the watershed draining to a section of trail is also influential - larger volumes of water

are substantially more erosive.

Water and the sediment it carries will continue down the trail until a natural or constructed feature diverts it off the tread. Such features include a natural or constructed reversal in grade, an outsloped tread, rocks or tree roots, or a constructed drainage dip or water bar. Once the water slows, it drops its sediment load, filling in tread drainage features and causing them to fail if not periodically maintained. Sediment can also be carried directly into watercourses, creating secondary impacts to aquatic systems. Properly designed drainage features are designed to divert water from the trail at a speed sufficient to carry the sediment load well below the tread, where vegetation and organic litter can filter out sediments. A well-designed trail should have little to no cumulative soil loss, for example, less than an average of one-quarter inch (6.3 mm) per year.

Impacts to Soils: Mountain Biking-Specific Research

Several studies have evaluated the soil impacts of mountain biking.

Wilson and Seney (1994) evaluated tread erosion from horses, hikers, mountain bikes, and motorcycles on two trails in the Gallatin National Forest, Montana. They applied one hundred passes of each use-type on four sets of 12 trail segments, followed by simulated rainfalls and collection of water runoff to assess sediment yield at the base of each segment. Control sites that received no passes were also assessed for comparison. Results indicated that horses made significantly more sediment available for erosion than the other uses, which did not significantly vary from the control sites. Traffic on pre-wetted soils generated significantly greater amounts of soil runoff than on dry soils for all uses.

Marion (2006) studied 78 miles (125 km) of trail (47 segments) in the Big South Fork National River and Recreation Area, Tennessee and Kentucky, measuring soil loss along transects across the trail to evaluate the influence of use-related, environmental, and management factors. Sidehill-aligned trails were significantly less eroded than trails in valley bottom positions, in part due to the influence of periodic floods. Trail grade and trail alignment angle were also significant predictors of tread erosion. Erosion rates on trails with 0-6 percent and 7-15 percent grades were similar, while erosion on trails with grades greater than 16 percent were significantly higher. And there was significantly greater erosion on fall line trails (alignment angles of 0-22 degrees) than those with alignments closer to the contour.

This study also provided an opportunity to examine the relative contribution of different use types, including horse, hiking, mountain biking, and ATV. Trails predominantly used for mountain biking had the least erosion of the use types investigated. Computed estimates of soil loss per mile of trail also revealed the mountain biking trails to have the lowest soil loss.

White and others (2006) also examined trails predominantly used for mountain biking in five ecological regions of the Southwest along 163 miles (262 km) of trail. Two trail condition indicators, tread width and maximum incision, were assessed at each sample point. Results show that erosion and tread width on these trails differed little in comparison to other shared-use trails that receive little or no mountain biking.

Goeft and Alder (2001) evaluated the resource impacts of mountain biking on a recreational trail and racing track in Australia over a 12-month period. A variety of trail condition indicators were assessed on new and older trail segments with uphill, downhill, and flat trail sections. Results found that trail slope, age, and time were significant erosion factors, and that downhill slopes and curves were the most susceptible to erosion. New trails experienced greater amounts of soil compaction but all trails exhibited both compaction and loosening of soils over time. The width of the recreational trail varied over time, with no consistent trend, while the width of the racing trail grew following events but exhibited net recovery over time. Impacts were confined to the trail tread, with minimal disturbance of trailside vegetation.

Bjorkman (1996) evaluated two new mountain biking trails in Wisconsin before and for several years after they were opened to use. Vegetation cover within the tread that survived trail construction work declined with increasing use to negligible levels while trailside vegetation remained constant or increased in areas damaged by construction work. Similarly, soil compaction within the tread rose steadily while compaction of trailside soils remained constant. Vegetation and soil impacts occurred predominantly during the first year of use with minor changes thereafter.

Wohrstein (1998) evaluated the impacts from a World Championship mountain biking race with 870 participants and 80,000 spectators. Erosion was found only on intensively used racing trails in steep terrain where alignments allowed higher water runoff. The mountain biking routes exhibited higher levels of compaction but to a shallower depth in comparison to the spectator areas, where compaction was lower but deeper.

Cessford (1995) provides a comprehensive, though dated, summary of trail impacts with a focus on mountain biking. Of particular interest is his summary of the two types of forces exerted by bike tires on soil surfaces: The downward compaction force from the weight of the rider and bike, and the rotational shearing force from the turning rear wheel. Mountain bikers generate the greatest torque, with potential tread abrasion due to slippage, during uphill travel. However, the torque possible from muscle power is far less than that from a motorcycle, so wheel slippage and abrasion occur only on wet or loose surfaces. Tread impact associated with downhill travel is generally minimal due to the lack of torque and lower ground pressures. Exceptions include when riders brake hard enough to cause skidding, which displaces soil downslope, or bank at higher speeds around turns, which displaces soil to the outside of the turn. Impacts in flatter terrain

are also generally minimal, except when soils are wet or uncompacted and rutting occurs.

Impacts to Soils: Management Implications

Soil loss is among the most enduring forms of trail impact, and minimizing erosion and muddiness are the most important objectives for achieving a sustainable trail. Soil cannot easily be replaced on trails, and where soil disappears, it leaves ruts that make travel and water drainage more difficult, prompting further impacts, such as trail widening.

Existing studies indicate that mountain biking differs little from hiking in its contribution to soil impacts. Other factors, particularly trail grade, trail/slope alignment angle, soil type/wetness, and trail maintenance, are more influential determinants of tread erosion or wetness.

There are a number of tactics for avoiding the worst soil-related impacts to trails:

- Discourage or prohibit off-trail travel. Informal trails created by off-trail travel frequently have steep grades and fall-line alignments that quickly erode, particularly in the absence of tread maintenance. Exceptions include areas of solid rock or non-vegetated cobble.
- Design trails with sustainable grades and avoid fall-line alignments. (See p. 112 for more)
- When possible, build trails in dry, cohesive soils that easily compact and contain a larger percentage of coarse material or rocks. These soils better resist erosion by wind and water or displacement by feet, hooves and tires.
- Minimize tread muddiness by avoiding flat terrain, wet soils, and drainage-bottom locations.
- Use grade reversals to remove water from trail treads. Grade reversals are permanent and sustainable - when designed into a trail's alignment they remain 100 percent effective and rarely require maintenance.

Other strategies are more temporary in nature and will require periodic maintenance to keep them effective:

- While the use of a substantial outslope (e.g., 5 percent) helps remove water from treads, it is rarely a long-term solution. Tread cupping and berm development will generally occur within a few years after tread construction. If it is not possible to install additional grade reversals, reshape the tread to reestablish an outsloped tread surface periodically, and install wheel-friendly drainage dips or other drainage structures to help water flow off the trail.
- If it is not possible to install proper drainage on a trail, consider rerouting trail sections that are most problematic, or possibly hardening the tread.
- In flatter areas, elevate and crown treads to prevent muddiness, or add a gravel/soil mixture in low spots.

Finally, it is important to realize that visitor use of any type on trails when soils are wet contributes substantially greater soil impact than the same activities when soils are dry. Thus, discouraging or prohibiting the use of trails that are prone to muddiness during rainy seasons or snowmelt is another effective measure. Generally such use can be redirected to trails that have design or environmental attributes that allow them to better sustain wet season uses.

For additional information about minimizing soil impacts through trail design, construction, maintenance, and tread hardening, see Trail Solutions.

Impacts to Water Resources: General Research

Trails and their use can also affect water quality. Trail-related impacts to water resources can include the introduction of soils, nutrients, and pathogenic organisms (e.g., Giardia), and alter the patterns of surface water drainage. However, in practice, these impacts are avoidable, and properly designed and maintained trails should not degrade water quality. Unfortunately there is very little research to draw from on these topics, and none that is specific to mountain biking.

Poorly sited and/or maintained trails can be eroded by water, with tread sediments carried off by runoff. Generally, if water control features such as grade reversals and outsloped treads are used to divert runoff from trails, the water drops its sediment close to trails, where it is trapped and held by organic litter and vegetation. Soils eroded from trails rarely enter water bodies, unless trails cross streams or run close to stream or lake shorelines and lack adequate tread drainage features. Since many recreational activities, such as fishing, swimming, boating, and viewing scenery (e.g., waterfalls) draw visitors and trails to the vicinity of water resources, it is often necessary to route trails to water resources or visitors will simply create their own informal trails.

Trails that are close to water resources require special consideration in their design and management to prevent the introduction of suspended sediments into bodies of water. Eroded soil that enters water bodies increase water turbidity and cause sedimentation that can affect aquatic organisms (Fritz and others 1993). Trout and other fish lay their eggs in gravels on the bottom of streams and lakes, and sediments can smother those eggs, reducing reproductive success. Sedimentation can also hurt invertebrate organisms, which serve as food for fish and other creatures. In addition, some sediment may contain nutrients that can contribute to algal blooms that deplete the dissolved oxygen in water bodies when they die off.

Poorly designed trails can also alter hydrologic functions - for instance, trails can intercept and divert water from seeps or springs, which serve important ecological functions. In those situations, water can sometimes flow along the tread, leading

to muddiness or erosion and, in the case of cupped and eroded treads, the water may flow some distance before it is diverted off the trail, changing the ecology of small wetland or riparian areas.

Trail users may also pollute water with pathogenic organisms, particularly those related to improperly disposed human waste. Potential pathogenic organisms found through surveys of backcountry water sources include *Cryptosporidium* spp., *Giardia* spp., and *Campylobacter jejuni* (LeChevallier and others, 1999; Suk and others, 1987; Taylor and others, 1983). This is rarely a significant concern where trail use is predominantly day-oriented, and waste issues can be avoided by installing toilet facilities or following Leave No Trace practices (i.e., digging cat-holes for waste away from water resources).

Impacts to Water Resources: Management Implications

The same trail design, construction, and maintenance measures that help minimize vegetation and soil impacts also apply to water. But there are also some additional efforts needed to protect water resources:

- Trails should avoid close proximity to water resources. For example, it is better to build a trail on a sidehill along a lower valley wall than to align it through flat terrain along a stream edge, where trail runoff will drain directly into the stream.
- It is best to minimize the number of stream crossings. Where crossings are necessary, scout the stream carefully to select the most resistant location for the crossing. Look for rocky banks and soils that provide durable surfaces.
- Design water crossings so the trail descends into and climbs out of the stream crossing, preventing stream water from flowing down the trail.
- Armor trails at stream crossings with rock, geotextiles, or gravel to prevent erosion.
- Include grade reversals, regularly maintained outsloped treads, and/or drainage features to divert water off the trail near stream crossings. This prevents large volumes of water and sediment from flowing down the trail into the stream, and allows trailside organic litter, vegetation, and soils to slow and filter water.
- On some heavily used trails, a bridge may be needed to provide a sustainable crossing.
- Where permanent or intermittent stream channels cross trails, use wheel-friendly open rock culverts or properly sized buried drainage culverts to allow water to cross properly, without flowing down the trail.

Impacts to Wildlife: General Research

Trails and trail uses can also affect wildlife. Trails may degrade or fragment wildlife habitat, and can also alter the activities of nearby animals, causing avoidance behavior in some and food-related attraction behavior in others (Hellmund, 1998; Knight & Cole, 1991). While most forms of trail impact are limited to a narrow trail corridor, disturbance of wildlife can extend considerably further into natural landscapes (Kasworm & Monley, 1990; Tyser & Worley, 1992). Even very localized disturbance can harm rare or endangered species.

Different animals respond differently to the presence of trail users. Most wildlife species readily adapt or become "habituated" to consistent and non-threatening recreational activities. For example, animals may notice but not move away from humans on a frequently used trail. This is fortunate, as it can allow high quality wildlife viewing experiences for visitors and cause little or no impact to wildlife.

Other forms of habituation, however, are less desirable. Visitors who feed wildlife, intentionally or from dropped food, can contribute to the development of food-related attraction behavior that can turn wild animals and birds into beggars. In places where visitors stop to eat snacks or lunches, wildlife quickly learn to associate people with food, losing their innate fear of humans and returning frequently to beg, search for food scraps, or even raid unprotected packs containing food. Feeding wild creatures also endangers their health and well-being. For instance, after food-attracted deer in Grand Canyon National Park became sickly and dangerously aggressive, researchers found up to six pounds of plastic and foil wrappers obstructing intestinal passages of some individuals.

The opposite conduct in wildlife - avoidance behavior - can be equally problematic. Avoidance behavior is generally an innate response that is magnified by visitor behaviors perceived as threatening, such as loud sounds, off-trail travel, travel in the direction of wildlife, and sudden movements. When animals flee from disturbance by trail users, they often expend precious energy, which is particularly dangerous for them in winter months when food is scarce. When animals move away from a disturbance, they leave preferred or prime habitat and move, either permanently or temporarily, to secondary habitat that may not meet their needs for food, water, or cover. Visitors and land managers, however, are often unaware of such impacts, because animals often flee before humans are aware of the presence of wildlife.

Impacts to Wildlife: Mountain Biking-Specific Research

The impacts of mountain biking on wildlife are similar to those of hikers and other non motorized trail users.

Taylor and Knight (2003) investigated the interactions of wildlife and trail users (hikers and mountain bikers) at Antelope Island State Park in Utah. A hidden observer using an optical rangefinder recorded bison, mule deer, and pronghorn antelope response to an assistant who hiked or biked a section of trail. The observer then measured wildlife reactions, including alert distance, flight response, flight distance, distance fled, and distance from trail. Observations revealed that

70 percent of animals located within 330 feet (100 m) of a trail were likely to flee when a trail user passed, and that wildlife exhibited statistically similar responses to mountain biking and hiking. Wildlife reacted more strongly to off-trail recreationists, suggesting that visitors should stay on trails to reduce wildlife disturbance. While Taylor and Knight found no biological justification for managing mountain biking any differently than hiking, they note that bikers cover more ground in a given time period than hikers and thus can potentially disturb more wildlife per unit time.

This study also surveyed 640 hikers, mountain bikers, and horseback riders on the island to assess their perceptions of the effects of recreation on wildlife. Most respondents felt they could approach animals far closer than the flight distance suggested by the research, and 50 percent felt that recreational uses did not have a negative effect on wildlife.

Another study evaluated the behavioral responses of desert bighorn sheep to disturbance by hikers, mountain bikers, and vehicles in low- and high-use areas of Canyonlands National Park (Papouchis and others., 2001). Following observations of 1,029 bighorn sheep/human interactions, the authors reported that sheep fled 61 percent of the time from hikers, 17 percent of the time from vehicles, and 6 percent of the time from mountain bikers. The stronger reaction to hikers, particularly in the high-use area, was attributed to more off-trail hiking and direct approaches to the sheep. The researchers recommended that park officials restrict recreational uses to trails, particularly during the lambing and rut seasons, in order to minimize disturbance.

An experimental study in Switzerland evaluated the disturbance associated with hiking, jogging, and mountain biking on high elevation chamois, which are goat-like mammals found in the European mountains (Gander & Ingold 1997). The authors assessed alert distance, flight distance, and distance fled, and found that approximately 20 percent of the animals fled from trailside pastures in response to visitor intrusions. The authors found no statistically significant differences, however, between the behavioral responses of animals to the three different types of user, and authors concluded that restrictions on mountain biking above timberline would not be justified from the perspective of chamois disturbance.

A study of the Boise River in Idaho examined flushing distances of bald eagles when exposed to actual and simulated walkers, joggers, fishermen, bicyclists, and vehicles (Spahr 1990). The highest frequency of eagle flushing was associated with walkers (46 percent), followed by fishermen (34 percent), bicyclists (15 percent), joggers (13 percent), and vehicles (6 percent). However, bicyclists caused eagles to flush at the greatest distances (mean = 148 meters), followed by vehicles (107m), walkers (87m), fishermen (64m), and joggers (50m). Eagles were most likely to flush when recreationists approached slowly or stopped to observe them, and were less alarmed when bicyclists or vehicles passed quickly at constant speeds. Similar findings have been reported by other authors, who attribute the difference in flushing frequency between walkers and bikers/vehicles either to the shorter time of disturbance and/or the additional time an eagle has to "decide" to fly (Van der Zande and others. 1984).

Safety issues related to grizzly bear attacks on trail users in Banff National Park prompted Herrero and Herrero (2000) to study the Moraine Lake Highline Trail. Park staff noted that hikers were far more numerous than mountain bikers on the trail, but that the number of encounters between bikers and bears was disproportionately high. For example, three of the four human-grizzly bear encounters that occurred along the trail during 1997-98 involved mountain bikers. Previous research had shown that grizzly bears are more likely to attack when they first become aware of a human presence at distances of less than 50 meters. Herrero and Herrero concluded that mountain bikers travel faster, more quietly, and with closer attention to the tread than hikers, all attributes that limit reaction time for bears and bikers, and increases the likelihood of sub-fifty meter encounters. In addition, most of the bear-cyclist encounters took place on a fast section of trail that went through high-quality bear habitat with abundant berries. To reduce such incidents, they recommended education, seasonal closures of the trail to bikes and/or hikers, construction of an alternate trail, and regulations requiring a minimum group size for bikers.

Impacts to Wildlife: Management Implications

Many potential impacts to wildlife can be avoided by ensuring that trails avoid the most sensitive or critical wildlife habitats, including those of rare and non-rare species. There are a number of tactics for doing this:

- Route trails to avoid riparian or wetland areas, particularly in environments where they are uncommon. Consult with fish and wildlife specialists early in the trail planning phase.
- For existing trails, consider discouraging or restricting access during sensitive times/seasons (e.g., mating or birthing seasons) to protect wildlife from undue stress.

The education of trail users is also an important and potentially highly effective management option for protecting wildlife. Organizations should encourage Leave No Trace practices and teach appropriate behaviors in areas where wildlife are found:

- Store food safely and leave no crumbs behind - fed animals too often become dead animals.
- It's OK for wildlife to notice you but you are "too close" or "too loud" if an animal stops what its doing and/or moves away from you.
- It's best to view wildlife through binoculars, spotting scopes, and telephoto lenses.
- All wildlife can be dangerous - be aware of the possible presence of animals and keep your distance to ensure your

safety and theirs.

Conclusion

While land managers have long been concerned about the environmental impacts of mountain biking, there are still very few good studies published in peer-reviewed journals. White and others (2006) and Hendricks (1997) note that the majority of mountain biking research has focused on social issues, such as conflicts between trail users. As a consequence, the ecological effects of mountain biking on trails and natural resources remain poorly understood.

Still, an emerging body of knowledge on the environmental impact of mountain biking can help guide current management decisions. All of the existing scientific studies indicate that while mountain biking, like all forms of recreational activity, can result in measurable impacts to vegetation, soil, water resources, and wildlife, the environmental effects of well-managed mountain biking are minimal.

Furthermore, while the impact mechanics and forces may be different from foot traffic, mountain biking impacts are little different from hiking, the most common and traditional form of trail-based recreational activity.

Key observations about the environmental impacts of mountain biking:

1. Environmental degradation can be substantially avoided or minimized when trail users are restricted to designated formal trails. Many studies have shown that the most damage to plants and soils occur with initial traffic and that the per capita increase in further impact diminishes rapidly with increasing subsequent traffic. Many environmental impacts can be avoided and the rest are substantially minimized when traffic is restricted to a well-designed and managed trail. The best trail alignments avoid the habitats of rare flora and fauna and greatly minimize soil erosion, muddiness, and tread widening by focusing traffic on side-hill trail alignments with limited grades and frequent grade reversals. Even wildlife impacts are greatly minimized when visitors stay on trails; wildlife have a well-documented capacity to habituate to non-threatening recreational uses that occur in consistent places.
2. Trail design and management are much larger factors in environmental degradation than the type or amount of use. Many studies have demonstrated that poorly designed or located trails are the biggest cause of trail impacts. As evidence, consider that use factors (type, amount, and behavior of trail visitors) are generally the same along the length of any given trail, yet there is often substantial variation in tread erosion, width, and muddiness. These impacts are primarily attributable to differences in grade and slope alignment angle, soil type and soil moisture, and type of tread construction, surfacing, and drainage. This suggests that a sustainable trail that is properly designed, constructed, and maintained can support lower-impact uses such as hiking and mountain biking with minimal maintenance or degradation.
3. The environmental degradation caused by mountain biking is generally equivalent or less than that caused by hiking, and both are substantially less impacting than horse or motorized activities. In the small number of studies that included direct comparisons of the environmental effects of different recreational activities, mountain biking was found to have an impact that is less than or comparable to hiking. For example, Marion and Olive (2006) reported less soil loss on mountain bike trails than on hiking trails, which in turn exhibited substantially less soil loss than did horse and ATV trails. Similarly, two wildlife studies reported no difference in wildlife disturbance between hikers and mountain bikers (Taylor & Knight 2003, Gander & Ingold 1997), while two other studies found that mountain bikers caused less disturbance (Papouchis and others. 2001, Spahr 1990). Wilson and Seney (1994) found that horses made significantly more sediment available for erosion than hikers or mountain bikers, which were statistically similar to the undisturbed control. One final point to consider, however, is that mountain bikers, like horse and vehicle users, travel further than hikers due to their higher speed of travel. This means that their use on a per-unit time basis can affect more miles of trail or wildlife than hikers. However, an evaluation of aggregate impact would need to consider the total number of trail users, and hikers are far more numerous than mountain bikers.

Mountain Bike Management Implications

So what does this mean for mountain biking? The existing body of research does not support the prohibition or restriction of mountain biking from a resource or environmental protection perspective. Existing impacts, which may be in evidence on many trails used by mountain bikers, are likely associated for the most part with poor trail designs or insufficient maintenance.

Managers should look first to correcting design-related deficiencies before considering restrictions on low-impact users. By enlisting the aid of all trail users through permanent volunteer trail maintenance efforts, they can improve trail conditions and allow for sustainable recreation.

Dr. Jeff Marion is a scientist with the U.S. Geological Survey who studies visitor impacts and management in protected natural areas. Jeremy Wimpey is a doctoral candidate in the Park and Recreation Resource Management program at Virginia Tech. Contact them at Virginia Tech, Forestry (0324), Blacksburg, VA 24060, jmarion@vt.edu (mailto:jmarion@vt.edu), wimpeyjf@vt.edu (mailto:wimpeyjf@vt.edu).

Sources

- Bjorkman, A. W. (1996). Off-road Bicycle and Hiking Trail User Interactions: A Report to the Wisconsin Natural Resources Board. Wisconsin, Wisconsin Natural Resources Bureau of Research.
- Cessford, G. R. (1995). Off-road impacts of mountain bikes: a review and discussion Off-Road Impacts of Mountain Bikes: A Review and Discussion Science & Research Series No 92. Wellington, NZ, Department of Conservation. pp: 42-70.
- Chavez, D., P. Winter, et al. (1993). Recreational mountain biking: A management perspective. *Journal of Park and Recreation Administration* 11 1: 7.
- Edger, C. O. (1997). Mountain biking and Marin Municipal Water District watershed. *Trends* 34 3: 5.
- Fritz, S. C., J. C. Kingston, et al. (1993). Quantitative trophic reconstruction from sedimentary diatom assemblages - A cautionary tale. *Freshwater Biology* 30(1): 1-23.
- Gander, H. and P. Ingold (1997). Reactions of Male Alpine Chamois *Rupicapra r. rupicapra* to Hikers, Joggers and Mountainbikers. *Biological Conservation* 79: 3.
- Goett, U. and J. Alder (2001). Sustainable mountain biking: A case study from the Southwest of Western Australia. *Journal of Sustainable Tourism* 9 3: 19.
- Gruttz, J. and D. Hollingshead (1995). "Managing the Biophysical Impacts of Off-Road Bicycling" or "Shred Lightly." Environmental Ethics & Practices in Backcountry Recreation Conference, University of Calgary, Alberta.
- Hammit, W. E. and D. N. Cole (1998). *Wildland Recreation: Ecology and Management*. New York, John Wiley and Sons, Inc.
- Hellmund, P. C. (1998). *Planning Trails with Wildlife in Mind: A Handbook for Trail Planners*. Denver, Colorado State Parks.
- Hendricks, W. W. (1997). Mountain bike management and research: An introduction. *Trends*, 34(3), 2-4.
- Herrero, Jake, and Stephen Herrero (2000) Management Options for the Moraine Lake Highline Trail: Grizzly Bears and Cyclists. Unpublished Report for Parks Canada.
- Kasworm, W. F. and T. L. Monley (1990). Road and trail influences on grizzly bears and black bears in northwest Montana. Bears: Their Biology and Management: Proceedings of the 8th International Conference, Victoria, B.C., International Association for Bear Research and Management.
- Knight, R. L. and D. N. Cole (1991). Effects of recreational activity on wildlife in wildlands. *Transactions of the North American Wildlife and Natural Resource Conference*.
- LeChevallier, M. W., M. Abbaszadegan, et al. (1999). Committee report: Emerging pathogens - viruses, protozoa, and algal toxins. *Journal American Water Works Association* 91(9): 110-121.
- Leung, Y. F. and J. L. Marion (1996). Trail degradation as influenced by environmental factors: A state-of-the-knowledge review. *Journal of Soil and Water Conservation* 51(2): 130-136.
- Marion, J. L. (2006). *Assessing and Understanding Trail Degradation: Results from Big South Fork National River and Recreational Area*. USDI, National Park Service.
- Papouchis, C. M., F. J. Singer, et al. (2001). Responses of desert bighorn sheep to increased human recreation. *Journal of Wildlife Management* 65 3: 573-582.
- Roggenbuck, J. W., D. R. Williams, et al. (1993). Defining Acceptable Conditions in Wilderness. *Environmental Management* 17 2: 187-197.
- Schuett, M. A. (1997). State park directors' perceptions of mountain biking. *Environmental Management* 21(2): 239-246.
- Spahr, Robin. (1990) Factors Affecting The Distribution Of Bald Eagles And Effects Of Human Activity On Bald Eagles Wintering Along The Boise River, 1990. Boise State University, Thesis.
- Suk, T. J., S. K. Sorenson, et al. (1987). The relation between human presence and occurrence of Giardia Cysts in streams in the Sierra-Nevada, California. *Journal of Freshwater Ecology* 4(1): 71-75.
- Taylor, A. R. and R. L. Knight (2003). Wildlife Responses to Recreation and Associated Visitor Perceptions. *Ecological Applications* 13 4: 12.
- Taylor, D. N., K. T. Mcdermott, et al. (1983). Campylobacter Enteritis from untreated water in the Rocky Mountains. *Annals of Internal Medicine* 99 1: 38-40.
- Thurston, E. and R. J. Reader (2001). Impacts of experimentally applied mountain biking and hiking on vegetation and soil

of a deciduous forest. *Environmental Management* 27(3): 397-409.

Tyser, R. W. and C. A. Worley (1992). Alien flora in grasslands adjacent to road and trail corridors in Glacier National Park, Montana (USA). *Conservation Biology* 6(2): 253-262.

Van der Zande, A. N., J. C. Berkhuizen, H. C. van Latesteijn, W. J. ter Keurs, and A. J. Poppelaars (1984) Impact of outdoor recreation on the density of a number of breeding bird species in woods adjacent to urban residential areas. *Biological Conservation* 30: 1-39.

Vaske, J. J., M. P. Donnelly, et al. (1993). Establishing management standards - Selected examples of the normative approach. *Environmental Management* 17(5): 629-643.

White, D. D., M. T. Waskey, et al. (2006). A comparative study of impacts to mountain bike trails in five common ecological regions of the Southwestern U.S. *Journal of Park and Recreation Administration* 24(2): 20.

Wilson, J. P. and J. P. Seney (1994). Erosional impact of hikers, horses, motorcycles, and off-road bicycles on mountain trails in Montana. *Mountain Research and Development* 14(1): 77-88.

Wöhrstein, T. (1998). Mountainbike und Umwelt - Ökologische Auswirkungen und Nutzungskonflikte (Mountainbike and Environment - Ecological Impacts and Use Conflict). Saarbrücken-Dudweiler. Incomplete Reference, Pirrot Verlag & Druck.



San Diego Mountain Biking Association

November 30, 2010

Environmental Coordinator Trails PEIR
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Thank you for considering our comments during the scoping period for the State Parks Roads and Trails Change-in-Use Program environmental impact report (PEIR). One of our members, Russ Boggs, attended the scoping meeting in Perris in November.

Our understanding is that the California State Parks (CSP) is using this PEIR to develop an overall framework and consistent approach to changing the use designation on roads and trails. We applaud the CSP for undertaking this project. California's population continues to increase, and the CSP system needs to keep pace with providing its increased number of residents with "opportunities for high-quality outdoor recreation" as stated in CSP's mission statement (CSP website: "Our Mission" www.parks.ca.gov/?page_id=91; accessed on November 27, 2010).

Additionally, it appears that the users of California SP are increasing in their diversity; this increased diversity includes how they choose to enjoy their time outdoors. Thirty years ago, virtually the only non-motorized travelers on state park trails were hikers, runners and horseback riders. Today, a relatively new group of users, mountain bikers, have come to enjoy the backcountry regions of state parks. Unfortunately, they are excluded from large numbers of trails. For one thing, mountain bikers are permanently excluded from regions of state parks that are also designated as wilderness areas, (e.g., Rancho Cuyamaca State Park). There are other trails, however, within state parks that could be used by bicyclists if the use designation was changed. At the same time, as far as we know, there are few or no trails within the CSP system where MTBs have exclusive rights of access or are even favored.

Given that the population of California will continue to increase, increased numbers of residents will result in increased use of trails. It's important to expose our diverse California population to the variety of landscapes of the CSP system.

In evaluating the environmental impact of additional trail users, or the environmental impact of allowing a different class of trail users, the study should focus, at least in part, on the per capita impact. For example, would an individual mountain biker have a greater impact on the trail/environment than an individual hiker? Some studies have found that a hiker or a bicyclist have an equivalent impact on soil erosion, and both have less impact than a horse (see attachments).

Additionally, some consideration should be given to the potential that if a trail is opened to mountain bikes, the usage of other trails used by mountain bikes within the same state park may decrease, and therefore, if indeed there is actually any environmental effect to opening a trail to a new class of users, such an opening may self-mitigate. As an example, if a second trail is opened at the farthest reach of the popular loop, that might decrease use of a first trail.

As much as possible, environmental analysis should take advantage of, and be based on, research publications in the field. For example, some studies suggest mountain bicyclists are less disruptive to wildlife possibly because they are less likely to stop and examine individual animals (i.e., staring and pointing). Also, mountain bicyclists are more likely to stay on the trail than other users, therefore confining the physical environmental impact to just the trail itself.

We have included with this letter a few PDFs (with URLs included) taken from the International Mountain Bicycling Association's (IMBA) website (under resources) representing analysis of recent publications concerning the impact of recreational use on park-like areas. Citations to the actual research papers are contained within PDFs. We would be happy to help you obtain copies of the original papers if it would help you.

In conclusion, it is important to allow use of the CSP system by a diverse group of users. Currently we have a perception that certain user groups are favored in terms of trail use within the CSP system, especially when the wilderness areas are included. Access to the trail system within the CSP should be adjusted to provide equal access to the trail system of all users regardless of their chosen means of recreation.

Links:

<http://www.imba.com/resources/research/environmental-impacts>

<http://www.imba.com/resources/research/trail-science/environmental-impacts-mountain-biking-science-review-and-best-practices>

Our contacts for questions or comments are:

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Sincerely,

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Wendell & Inez Robie Foundation (WIRF)

December 12, 2010

Environmental Coordinator---Trail PEIR
1 Capitol Mall, Suite 410
Sacramento, CA 95814

Re: Comments in opposition to PEIR

TO WHOM IT MAY CONCERN:

Most of California's park trails are narrow and were designed for foot traffic consisting primarily of individuals walking single file or riding a horse which has been the case for over 150 years. The fundamental flaw with the PEIR proposal is its underlying premise: that changing trail use from foot traffic only to foot and vehicle traffic combined can be safely accommodated on most existing trails. Our foundation has worked with the California Parks in several pilot programs with the same outcome each time; the mountain bikers come to dominate the area with the experience for the hikers and equestrians being diminished. The trails were never designed for wheeled use of any kind. They were designed as the equivalent of sidewalks in the forest. We have known for years that wheeled vehicles and foot traffic do not safely mix and it is the foot traffic that must give way or be injured. That is why under the vehicle code bicycles cannot be ridden on pedestrian walkways.

With trails as mentioned above, the experience is that once mountain biking becomes a predominant use on a trail the other users are driven off for safety reasons. We believe the bike use should be considered in the original planning of a trail. The simple fact that a trail exists does not mean a mountain bike should be permitted to ride upon it.

Both motorized and non-motorized trail riding has become increasingly popular on dirt roads along with trails. It is generally recognized that the noise, speed, and air pollution associated with motorized recreation during both summer and winter is incompatible with foot traffic users on single track trails. For this reason the State OHV program was created to provide appropriate areas for motorized vehicle use.

For decades the WIRF has noted there is no enforceable way of managing the large volume of new users on single track trails. This has been a major problem in every local, state, and national park where bikes are invited to use unpaved single track trails.

In theory environmental damage can be mitigated. However, what cannot be eliminated or mitigated are the horrendous significant safety issues inherent in allowing mountain biking on narrow hiking and riding trails. As noted single track trails were not designed for this use nor for the speed associated with wheeled vehicle use as opposed to walking, hiking and horse back riding. The existing trails are narrow and often have blind corners as they ascend and descend steep terrain. Also precipitous drop-offs are common along these single track trails. The average mountain bike speed is 15-18 miles an hour on level

ground along with specially designed mountain bikes which can travel at speeds in excess of 25+ miles an hour. These speeds are incompatible with the much slower pace of hikers which include families, children, elderly and disabled persons. The horseback community is at an especially great risk while riding along these single track trails which have drop-offs along with blind corners.

Mountain bikes can be accommodated where there exists a well designed trail which is at least 72 inches wide and possesses good lines of sight. This design would allow room for multiple users on the same trail. No trail less than six feet in width should be eligible for a change in use designation to add wheeled vehicles under the PEIR program, unless the trail is going to be widened with safety issues like blind corners and drop-offs addressed.

The WIRF has funded over 1,000,000 dollars in trail maintenance for repairs, reroutes, and construction of public hiking and equestrian trails. We know these trails to be inappropriate for mountain bikes because we built them.

It is important to note that the "Draft Trail Use Change Process (PEIR Revision)" flow chart supposes the availability of a critical potential mitigation alternative. This alternative "enforcement and patrol..." to reduce user conflicts is wishful thinking. Enforcement simply does not exist now and none is expected in the future due to continued lack of funding. The lack of funding has caused fewer and fewer rangers in California to cover larger and larger territories. No one disputes that enforcement of trail user conflicts is beyond the resource capabilities of park rangers. Education efforts can be helpful with trail users but are totally ineffective with a significant percentage of the mountain biking community. Signs prohibiting bikes are many times defaced, removed or ignored. To date policing single track trails through education alone has not worked.

In conclusion the PEIR process was designed for the state to assess the environmental impact of allowing mountain bikes on wide trails along with other users. Minimum requirements for well designed trails should be a least a 72 inch width, good visibility and no blind corners to accommodate room for all users. If minimum standards are not required most of the state's single track hiking and equestrian system will be converted to wheeled vehicle use with little or no consideration for the safety and enjoyment of other users. The opening up of existing single track trails to wheeled vehicles would be a tragic loss for the hikers and horse back riders especially since these trails were designed and built to serve this recreation population.

Sincerely,

Jim Larimer, Executive Director (WIRF) Wendell & Inez Robie Foundation
PO Box 714 Foresthill, CA 95631 (530) 367-4332 robiepk@robiefoundation.org

November 30, 2010

Environmental Coordinator – Trails PEIR
1 Capitol Mall, Suite 410
Sacramento, CA 95814



Subject: Statewide Program Environmental Impact Report for Roads and Trails Change-In-Use (PEIR)

Dear Sir or Madam,

The California Department of Parks and recreation ("State Parks"; "Department") announced in April 2010 that it intended to prepare a draft Statewide Program Environmental Impact Report to address the broad environmental effects that may be associated with existing trail/road change-in-use procedures. Changes in use can include adding and removing official recreational uses on roads and trails in State Park units, such as changing existing roads or trails from hiking use to multi-use to include mountain bikers and equestrians, or converting multi-use trails to single use. Changes might also be accompanied by trail management programs to separate different user groups from concurrent use of a trail.

Two public scoping sessions were held to explain the process to be followed for this PEIR and solicit written comments. The purpose of Marin Conservation League's letter is two-fold: 1) to review our understanding of how the PEIR process relates to State Parks' "existing trail/road change-in-use procedures" and request clarification in the PEIR; and 2) to provide comments to be considered in developing the scope of analysis for the subject PEIR.

1. Relationship of PEIR to Existing Change-in-use Procedures

State Parks has existing procedures for evaluating trail use change requests originating from either user groups or trail system planners within the Department. In the past the Department has filed categorical exemptions from CEQA compliance on the premise that changes-in-use may be minor, such as in "minor alteration of land," and/or because procedures employed by the Department are "CEQA-equivalent," that is, they identify environmental conditions and incorporate best management practices into design, thereby obviating the need for further CEQA review. This was the approach taken by the Department in 2009 when it filed a Notice of Exemption for the conversion of the single-track Bill's Trail in Samuel P. Taylor State Park to allow use by mountain bikes. At least two elements important to CEQA review are missing in this approach – first, a comprehensive review of environmental impact topics, as found in the Initial Study Checklist and/or an EIR; and second, the opportunity for public comment, which is an essential feature of the CEQA process. We assume that this PEIR is being prepared to correct these deficiencies.

PHONE: 415.485.6257
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URL: www.marinconservationleague.org

ADDRESS: 1623-A Fifth Avenue
San Rafael, CA 94901



The purpose of the Program EIR is to cover the full range of environmental effects that may result from proposed trail/road changes-in-use at a general ("programmatic") level. The PEIR thus will serve as a "first-tier document" as specific projects are proposed and evaluated. Program EIRs are supported and encouraged by the CEQA Guidelines where "a series of actions are related in connection with . . . plans or other general criteria to govern the conduct of a continuing program"; or "as individual activities . . . having generally similar effects which can be mitigated in similar ways." (Excerpts from CEQA Guidelines 15168) The Parks Department will be able to "avoid duplicative reconsideration of basic policy considerations and to reduce paper work." The PEIR will also support State Parks' CEQA compliance as specific changes-in-use are proposed.

The CEQA Guidelines list ways in which a program EIR can be used with later activities. As an example, if the opening of a single-track trail to shared use is proposed, the Department will examine the proposal in light of the PEIR to determine whether an additional environmental document must be prepared. At that time, the Department may use its existing procedures to serve as "a written checklist or similar device to evaluate the activity to determine whether the environmental effects of the operation were covered in the program EIR" (Guidelines 15168(c)(4)). Where necessary, we assume the Department will conduct supplemental environmental review and incorporate necessary mitigation measures for identified significant impacts.

This is MCL's interpretation. From the public's perspective, it is not entirely clear how the PEIR and CEQA review process will be integrated with State Parks' "existing procedures" in individual projects. State Parks' current trail use change survey form consists of a list of itemized evaluation criteria, followed by a "Yes – No" check-off column and space for brief comment. We believe it would be a mistake for State Parks to rely solely on this procedure for CEQA-compliant review of an individual project. While the survey form gives guidance for project planning and construction purposes, it does not provide the analytical support for identifying potentially significant impacts or specific mitigation measures to render impacts less than significant.

Turning again to Bill's Trail as an example, the survey checklist failed to identify that the project was located within designated critical habitat of the endangered coho salmon. This proved to be a "fatal flaw" for filing of a Categorical Exemption, in that an exception must be made where mapped sensitive habitats are present (CEQA Guidelines 15300.2(a)). If conditions are placed on proposed change-in-use projects – i.e., as mitigations for impacts – they must be justified with supporting analysis. Such analysis must be included in the project review documents, and the Initial Study checklist is the most comprehensive guide. The PEIR needs to make very clear how specific projects will be evaluated.

It is also not clear how the Department will notify the public that a change-in-use review is underway or provide opportunity for public comment. CEQA Guidelines, at 15168 (e) – Notice with Later Activities – states: "When a law *other than CEQA* (emphasis added) requires public notice when the agency later proposes to carry out or approve an activity within the program and to rely on the program EIR for CEQA compliance, the notice for the

activity shall include a statement that (1) this activity is within the scope of the program approved earlier; and (2) the program adequately describes the activity for the purposes of CEQA."

This noticing provision leaves the public somewhat in the dark. What law *other than CEQA* will prompt State Parks to notify the public of project decision points? For example, under what circumstances would a proposed change-in-use be filed as Categorical Exempt, or require an Initial Study and Negative Declaration or a more extensive Environmental Impact Report? Once the PEIR is certified, it appears that the primary responsibility for the processing of road and trail use changes and public noticing will lie with State Park's District and Sector Park units. The PEIR should spell out what the noticing requirements will be and how they will be implemented. Public notice should go beyond announcements posted on the State Parks Website and include other public noticing mechanisms.

Interested organizations and individuals should be able to register with State Parks for electronic notification of pending road or trail change-in-use projects in their area.

2. Content and Topics to be Considered in the PEIR

The Scoping Workshop presented a summary of topics to be addressed in the PEIR, including biological resources, geophysical conditions, cultural resources, recreation and land use, and others as appropriate. Because this is to be a Program EIR, it will provide a framework for types of impacts that could occur and set generic standards for future projects involving change-in-use. It necessarily cannot address specific project impacts that may arise in the future. Following are our comments on several aspects of the contents of the PEIR.

Project Description. This section of the PEIR should provide a comprehensive description of the elements of the overall action, supported by a glossary: the kinds of trails and roads that might be modified for a "new" use – their standard dimensions, surface treatments, grades, and other specifications for designated user groups. Most of these are contained in the Department's "Trails Handbook," which could be attached to the PEIR as an appendix. Simply to incorporate these specifications by reference will not help the reader who does not have ready access to Department manuals. Although changing the use of a trail may not entail rebuilding, it is likely that converting a trail or road to another use will involve some grading, soil treatments, structural repairs, waterway crossings, mechanical reconstruction, tree or brush removal or brushing, creating "pinch points" and similar devices to slow bicycle speed, and the use of various construction and maintenance techniques using both hand tools and mechanized equipment. Each of these carries potential impacts that should be characterized in the PEIR.

User Impacts. Much has been said about the impacts of various user groups on trails, some of it based on research, but much of it on personal observation and anecdotal evidence. All user groups – walkers, joggers, equestrians, and mountain bikes cause impacts such as the following, in varying degree:

- vegetation trampling and compaction of leaf litter and soil;

- soil loss through rutting and erosion, with consequent sedimentation of waterways;
- loss of both herbaceous and brittle woody plant species near trails;
- habitat disturbance and trail "widening" due to wandering off trail or cutting corners;
- habitat fragmentation (widening trail impedes movement and dispersal of animals that are reluctant to cross exposed openings);
- habitat disturbance from noise and the presence and motion of users (e.g., decreased nesting near trails, altered bird species composition near trails, and increased predation of nests by animals using the trail as corridor);
- introduction of exotic and weedy species from foot traffic, bicycle tires, and horse manure (trails are natural conduits for movement of exotic species);
- nutrient enrichment from horse manure and urine that could favor invasion of weedy species along horse trails; and
- direct loss of small or slow-moving wildlife such as small rodents and reptiles by rapid moving bicycles ("road kill").

The impact of changing or expanding use of a trail on the aesthetic experience of user groups should be discussed in the PEIR. The desired trail experience differs greatly among hikers, equestrians, and mountain bikers, and thus impacts will be viewed differently. Aesthetic impacts also will vary with the specific conditions of a site. The PEIR should discuss potential impacts from change-in-use. To the extent possible, the desired aesthetic experience of different user groups should be described.

Determining Significance Thresholds. Since the significance of impacts will vary from project to project depending upon their location, the existence of sensitive habitats and species, the degree of modification necessary to accommodate a new use, and other factors, a single standard for significance for all projects is totally inappropriate. How will thresholds of significance be determined? The PEIR should contain a list of such thresholds or indicate other sources of thresholds, such as Appendix G of the CEQA Guidelines.

Mitigation Measures. State Parks currently follows a manual of Best Management Practices to guide trail design. This is a comprehensive document, tested over time under many different conditions, but its focus is on the physical sustainability of trails rather than protection of habitats or aesthetics. We request that the PEIR either append a list of BMPs to the main document or otherwise incorporate them as specific "mitigation measures." Other measures should be included to mitigate potential impacts such as those summarized above. The PEIR is a public document, not just a form of legal compliance, and as such, it should provide the reader with as complete a picture as possible of the general implications of road or trail change-in-use and the approaches used by the Department to minimize impacts and preserve the quality of the trail experience for all users.

Other Issues. The Marin Conservation League is particularly concerned over how potential conflicts between various user groups, and the associated safety issues, will be addressed in the PEIR and applied to subsequent specific projects. We are pleased that the PEIR will address this issue in its section on Recreation Use. This impact is a major concern for proposed multi-use trails, particularly those that were originally designed as single-track trails. Road and trail management in State Parks – and specific change-in-use projects – must ensure that potential user conflicts are fully mitigated and that no road or trail be allowed to function unsafely. The PEIR should spell out the road and trail performance standards that are necessary to achieve this objective. Specific change-of-use projects should be designed to meet those standards. The PEIR should establish criteria for when a trail is inappropriate for conversion to multi-use –e.g., is too steep or narrow and winding – to be considered for shared use. The PEIR should provide guidance to District and Sector offices of the State Park system on how to assess the potential for conflict and design for safety on specific project proposals. Other techniques besides “safe” physical design should be discussed in the PEIR, such as trail management to separate user groups, signage, and strict enforcement of trail rules and regulations.

We appreciate the opportunity to provide these scoping comments for the PEIR and look forward to participating in the public review of the draft PEIR in 2011.

Sincerely yours,


Nona Dennis, President

Cc: Senator Mark Leno
Assembly Member Jared Huffman

Amber Giffin

From: CEQA NSC
Sent: Tuesday, September 07, 2010 11:05 AM
To: West, Heidi
Subject: MVandeman_Roads and Trails Change-in-Use (PEIR)_8-25-10

From: Mike Vandeman [mjvande@pacbell.net]
Sent: Wednesday, August 25, 2010 2:51 PM
To: CEQA NSC
Subject: Statewide Program Environmental Impact Report for Roads and Trails Change-in-Use (PEIR)

Bicycles should not be allowed in any natural area. They are inanimate objects and have no rights. There is also no right to mountain bike. That was settled in federal court in 1994: <http://home.pacbell.net/mjvande/mtb10> . It's dishonest of mountain bikers to say that they don't have access to trails closed to bikes. They have EXACTLY the same access as everyone else -- ON FOOT! Why isn't that good enough for mountain bikers? They are all capable of walking....

A favorite myth of mountain bikers is that mountain biking is no more harmful to wildlife, people, and the environment than hiking, and that science supports that view. Of course, it's not true. To settle the matter once and for all, I read all of the research they cited, and wrote a review of the research on mountain biking impacts (see <http://home.pacbell.net/mjvande/scb7>). I found that of the seven studies they cited, (1) all were written by mountain bikers, and (2) in every case, the authors misinterpreted their own data, in order to come to the conclusion that they favored. They also studiously avoided mentioning another scientific study (Wisdom et al) which did not favor mountain biking, and came to the opposite conclusions.

Those were all experimental studies. Two other studies (by White et al and by Jeff Marion) used a survey design, which is inherently incapable of answering that question (comparing hiking with mountain biking). I only mention them because mountain bikers often cite them, but scientifically, they are worthless.

Mountain biking accelerates erosion, creates V-shaped ruts, kills small animals and plants on and next to the trail, drives wildlife and other trail users out of the area, and (worst of all) teaches kids that the rough treatment of nature is okay (it's NOT!). What's good about THAT?

For more information: <http://home.pacbell.net/mjvande/mtbfaq> .

--

I am working on creating wildlife habitat that is off-limits to humans ("pure habitat"). Want to help? (I spent the previous 8 years fighting auto dependence and road construction.)

Please don't put a cell phone next to any part of your body that you are fond of!

<http://home.pacbell.net/mjvande>

COMMENT CARD

CALIFORNIA STATE PARKS
ROAD AND TRAIL CHANGE-IN-USE PROGRAM

Name

Larry Minikes

Mailing Address

230 COLEMAN DR SAN RAFAEL 94901

Email Address

LMINIKES@VSTIM.COM

Comments

Re: WILDLIFE IMPACTS

FOR SEVERAL YEARS WE HAVE DOCUMENTED THE DEATH OF MANY SMALL CREATURES THAT ARE BEING RUN OVER BY MOUNTAIN BIKES. THESE INCLUDE SMALL VOLES, FENCE LIZARDS, AND VARIOUS OTHER LIZARDS, SNAKES, AND IN PARTICULAR SLOW MOVING CALIFORNIA NEWTS THAT TEND TO MIGRATE ACROSS TRAILS AND FIRE ROADS DURING THE WET SEASON. TO OUR KNOWLEDGE NO ONE HAS STUDIED THE CUMULATIVE IMPACTS. HIKERS AND EQUESTRIANS RARELY STEP ON A CREATURE BUT IT IS NOT UNUSUAL TO RIDE ON MT. TAM, FOR EXAMPLE, AND SEE A RUN OVER CREATURE OR TWO ON EVERY RIDE (I AM A MOUNTAIN BIKER). THE QUESTION WITH CHANGE OF USE IS HOW DO YOU MITIGATE FOR THIS? AND IS THERE A SIGNIFICANT CUMULATIVE IMPACT? I CAN SUPPLY SEVERAL PHOTOS, AT REQUEST, DOCUMENTING THIS.

Meeting Date

9.25.10

You may also submit comments by email to ceqansc@parks.ca.gov no later than October 11, 2010 (Subject Line: Change in Use).

COMMENT CARD

CALIFORNIA STATE PARKS
ROAD AND TRAIL CHANGE-IN-USE PROGRAM

Name

Connie Berto

Mailing Address

Email Address

cberto3@sonic.net

Comments

Recreation and Land Use

virtually
The presence of speeding mt. bikes on footpaths has killed off
hike or hiker use at China Camp S.P. Elderly people especially
no longer use that park because they are afraid. Stop this!!
Mt. bike impacts are becoming very well documented
nation-wide. California S.P. needs to wake up to the
safety hazards and damage caused by mt. bikes.

We can, and are, sharing the vehicular - wide dirt
roads (fire roads). Good sight lines, good surface, room to move
aside.
With mt. bikes - why change this?

Change, to allow bikes on footpaths, is wrong. Keep what
works!

Meeting Date

25 Sept 2010

You may also submit comments by email to ceqansc@parks.ca.gov no later than October 11, 2010 (Subject Line: Change in Use).

COMMENT CARD

CALIFORNIA STATE PARKS
ROAD AND TRAIL CHANGE-IN-USE PROGRAM

Name

Connie Berto

Mailing Address

Email Address

CBERTO3@sonic.net

Comments

Geophysical Resources

Marine has traditionally had some major salmon & steelhead runs. Its spawning sites are fiercely protected. Changing trail use - for instance, to allow mt. bikes on Bill's Trail in Taylor Park - would open up a spawning stream to sedimentation.

Bill's Trail is downhill all the way, with blind corners, and should never have mt. bikes on it.

The effects on the Pacific Coast migratory Flyway should be carefully worked out.

Meeting Date

25 Sept 2010

You may also submit comments by email to ceqansc@parks.ca.gov no later than October 11, 2010 (Subject Line: Change in Use).

COMMENT CARD
**CALIFORNIA STATE PARKS
ROAD AND TRAIL CHANGE-IN-USE PROGRAM**

Name

Connie Berto

Mailing Address

Email Address

CBERTO3@sonic.net

Comments

Biological impacts:

Night riding by mt. bikers has already had detrimental effects on wildlife. Many species hunk down during the day and do all their activities at night. The bright halogen lights of mt. bikes, and the presence of humans, are disruptive and harmful, even possibly lethal, to wildlife if allowed uses were to be changed.

There needs to be night-time restrictions.

The choice of "no change in use" should be a consideration.

Many trails are best left just as they are (with upkeep, as needed).

Meeting Date

25 Sept - 2010

You may also submit comments by email to ceqansc@parks.ca.gov no later than October 11, 2010 (Subject Line: Change in Use).

COMMENT CARD



CALIFORNIA STATE PARKS
ROAD AND TRAIL CHANGE-IN-USE PROGRAM

Name CAROL COLBERT
Mailing Address 196 ESMEYER DRIVE, San Rafael, CA 94903
Email Address CC76COLBERT@gmail.com
Comments RE: DRAFT TRAIL USE CHANGE PROCESS-

obtaining input from local trail users, neighbors
~~const~~ and environmental groups should be
considered. By recommendations for trail use
changes are made by an evaluation team-
Safety & enjoyment of all users & interests
parked is as much an issue as
engineering feasibility decisions -
this input should be sought
after a trail use survey is completed so
comments can be made & heard by a recommendation
Meeting Date 9/27/10

You may also submit comments by email to ceqansc@parks.ca.gov no later than October 11, 2010 (Subject Line: Change in Use).

file:///P:/2010/10010034.01%20-%20California%20State%20Parks%20...

From: CEQA NSC
Sent: Thursday, December 02, 2010 10:28 AM
To: West, Heidi
Subject: DPutz for NDennis_MCL_11-30-10

Attachments: PEIR Change in Use scope letter_11.23.2010.doc
[FYI](#)

From: Delos Putz [marincwby@comcast.net]
Sent: Tuesday, November 30, 2010 5:29 PM
To: CEQA NSC
Cc: Nona Dennis; Roger Roberts
Subject: Trails PEIR

I am a hiker and horseback rider residing in San Geronimo in the western portion of Marin County. I wish to join in the excellent comments on your Statewide Program Environmental Impact Report for Roads and Trails Change-In-Use (PEIR) submitted on behalf of the Marin Conservation League (MCL) by its President, Nona Dennis. A copy of the MCL comments are attached to this email.

In particular, I wish to join in the following concerns expressed by MCL:

1. Ensuring Advance Notice of Changes Being Considered. How will the public be given adequate notice that a specific change-in-use is being considered, and how will the public be given an adequate opportunity to comment on any specific changes before they are approved? At minimum, organizations and individuals should be able to register with State Parks to receive electronic notice of proposed changes-in-use in their area.
2. Adoption of Specific Standards for determining the Suitability for Use by Specific groups and for Multi-Use. Criteria should be established for determining when a trail is suitable for use by specific groups and for multi-use. Such criteria would include trail width, grade, sight lines and steepness of adjacent terrain.
3. User Conflicts and Threats to the Safety of Users. The PEIR should make clear that the potential for user conflicts and safety are site specific and must be addressed for each proposed change-of-use. The PEIR should make clear that a hiker/horse trail cannot be changed to "multi-use" if any portion of the trail is unsafe for multi-use, unless and until any unsafe portions have been made safe.
4. The Impact of Changes of Use on User Experience Should be Addressed in the PEIR. Moreover, it should be recognized that the significance of these impacts are very much site specific and must be considered separately as to each individual project.

C. Delos Putz
San Geronimo, CA
Tel: (415) 488-4123

November 30, 2010

Environmental Coordinator – Trails PEIR
1 Capitol Mall, Suite 410
Sacramento, CA 95814

ceqansc@parks.ca.gov

(Subject Line: 'Trails PEIR')

Subject: Statewide Program Environmental Impact Report for Roads and Trails Change- In- Use (PEIR)

Dear Sirs,

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2. Content and Topics to be Considered in the PEIR

The Scoping Workshop presented a summary of topics to be addressed in the PEIR, including biological resources, geophysical conditions, cultural resources, recreation and land use, and others as appropriate. Because this is to be a Program EIR, it will provide a framework for types of impacts that could occur and set generic standards for future projects involving change-in-use. It necessarily cannot address specific project impacts that may arise in the future. Following are our comments on several aspects of the contents of the PEIR.

Project Description. This section of the PEIR should provide a comprehensive description of the elements of the overall action, supported by a glossary: the kinds of trails and roads that might be modified for a “new” use – their standard dimensions, surface treatments, grades, and other specifications for designated user groups. Most of these are contained in the Department’s “Trails Handbook,” which could be attached to the PEIR as an appendix. Simply to incorporate these specifications by reference will not help the reader who does not have ready access to Department manuals. Although changing the use of a trail may not entail rebuilding, it is likely that converting a trail or road to another use will involve some grading, soil treatments, structural repairs, waterway crossings, mechanical reconstruction, tree or brush removal or brushing, creating “pinch points” and similar devices to slow bicycle speed, and the use of various construction and maintenance techniques using both hand tools and mechanized equipment. Each of these carries potential impacts that should be characterized in the PEIR.

User Impacts. Much has been said about the impacts of various user groups on trails, some of it based on research, but much of it on personal observation and anecdotal evidence. All user groups – walkers, joggers, equestrians, and mountain bikes cause impacts such as the following, in varying degree:

- vegetation trampling and compaction of leaf litter and soil;
- soil loss through rutting and erosion, with consequent sedimentation of waterways;
- loss of both herbaceous and brittle woody plant species near trails;
- habitat disturbance and trail “widening” due to wandering off trail or cutting corners;
- habitat fragmentation (widening trail impedes movement and dispersal of animals that are reluctant to cross exposed openings);
- habitat disturbance from noise and the presence and motion of users (e.g., decreased nesting near trails, altered bird species composition near trails, and increased predation of nests by animals using the trail as corridor);
- introduction of exotic and weedy species from foot traffic, bicycle tires, and horse manure (trails are natural conduits for movement of exotic species);
- nutrient enrichment from horse manure and urine that could favor invasion of weedy species along horse trails; and
- direct loss of small or slow-moving wildlife such as small rodents and reptiles by rapid moving bicycles (“road kill”).

The impact of changing or expanding use of a trail on the aesthetic experience of user groups should be discussed in the PEIR. The desired trail experience differs greatly among hikers, equestrians, and mountain bikers, and thus impacts will be viewed differently. Aesthetic impacts also will vary with the specific conditions of a site. The PEIR should discuss potential impacts from change-in-use. To the extent possible, the desired aesthetic experience of different user groups should be described.

Determining Significance Thresholds. Since the significance of impacts will vary from project to project depending upon their location, the existence of sensitive habitats and species, the degree of modification necessary to accommodate a new use, and other factors, a single standard for significance for all projects is totally inappropriate. How will thresholds of significance be determined? The PEIR should contain a list of such thresholds or indicate other sources of thresholds, such as Appendix G of the CEQA Guidelines.

Mitigation Measures. State Parks currently follows a manual of Best Management Practices to guide trail design. This is a comprehensive document, tested over time under many different conditions, but its focus is on the physical sustainability of trails rather than protection of habitats or aesthetics. We request that the PEIR either append a list of BMPs to the main document or otherwise incorporate them as specific “mitigation measures.” Other measures should be included to mitigate potential impacts such as those summarized above. The PEIR is a public document, not just a form of legal compliance, and as such, it should provide the reader with as complete a picture as possible of the general implications of road or trail change-in-use and the approaches used by the Department to minimize impacts and preserve the quality of the trail experience for all users.

Other Issues. The Marin Conservation League is particularly concerned over how potential conflicts between various user groups, and the associated safety issues, will be addressed in the PEIR and applied to subsequent specific projects. We are pleased that the PEIR will address this issue in its section on Recreation Use. This impact is a major concern for proposed multi-use trails, particularly those that were originally designed as single-track trails. Road and trail management in State Parks – and specific change-in-use projects – must ensure that potential user conflicts are fully mitigated and that no road or trail be allowed to function unsafely. The PEIR should spell out the road and trail performance standards that are necessary to achieve this objective. Specific change-of-use projects should be designed to meet those standards. The PEIR should establish criteria for when a trail is inappropriate for conversion to multi-use –e.g., is too steep or narrow and winding – to be considered for shared use. The PEIR should provide guidance to District and Sector offices of the State Park system on how to assess the potential for conflict and design for safety on specific project proposals. Other techniques besides “safe” physical design should be discussed in the PEIR, such as trail management to separate user groups, signage, and strict enforcement of trail rules and regulations.

We appreciate the opportunity to provide these scoping comments for the PEIR and look forward to participating in the public review of the draft PEIR in 2011.

Sincerely yours,

Nona Dennis, President

Cc: Senator Mark Leno
Assembly Member Jared Huffman

COMMENT CARD



CALIFORNIA STATE PARKS
ROAD AND TRAIL CHANGE-IN-USE PROGRAM

1 of 8 people at this mtg!
NOV. 13, 2010

Name

Emily GABEL

Mailing Address

Email Address

egluddy@aol.com

Comments

o use as a baseline the degree to which a trail user can penetrate a ^{PARK} system within an average period of time, like 3 hrs. (1 1/2 in 1 1/2 out) depending on user segways, hikers, bikers, horse riders, trail runners. Note - equestrians tend to walk trails & there is probably good data on average speeds
o draw a distinction between urban and remote parks

Meeting Date

o Also env. benefit of wide trails, once built, not single track

You may also submit comments by email to ceqansc@parks.ca.gov no later than November 30, 2010 (Subject Line: Change in Use).

COMMENT CARD



CALIFORNIA STATE PARKS
ROAD AND TRAIL CHANGE-IN-USE PROGRAM

Name

Jim HASENAUER

Mailing Address

4359 PAMPAS ROAD, WOODLAND HILLS, CA 91364

Email Address

imbajim@aol.com

Comments

I will submit further written comments. As an overview to change of use, I want parks to provide mth community the same range and extent of opportunities it offers other trail users. Three significant values should guide the Change of Use process:

- 1) Egality - trail mileage ~~and diversity of experience~~ ^{that} MTB'er should have access proportionate to ~~their~~ ^{their} numbers.

Meeting Date

11/13/2010

Over

You may also submit comments by email to ceqansc@parks.ca.gov no later than November 30, 2010 (Subject Line: Change in Use).

2.) Diversity of trail experience. Bikers like all users differ in their skills and recreational preferences. MTB opportunities should not be limited to flat, smooth, easy, obstacle free trails. We need those, but we want "at your own risk" access to a range of opportunities.

3.) Connectivity. It's important for riders to have access and connectivity to important features, sites, adjacent trail systems, etc. High priority change of use should be providing this kind of connectivity.

Heidi West, Environmental Coordinator
California State Parks
Northern Service Center
One Capitol Mall, Suite 410
Sacramento, CA 95814

We need trail justice. A legitimate group of park visitors is being denied access to many park facilities because other users are uncomfortable with us. That's not fair!

COMMENT CARD



CALIFORNIA STATE PARKS
ROAD AND TRAIL CHANGE-IN-USE PROGRAM

Name

George Hague

Mailing Address

26711 Ironwood Ave.

Email Address

gbhague@gmail.com

Comments

Please notify me of all documents and meetings related to this project.

① What level of mechanized equipment will be allowed to "improve" trails? The least impact ~~is~~ must be the standard. Not the cheapest or easiest. ② Just like General Plans this needs one needs to be updated every 8-10 years - will this happen? ③ As a result of global warming you must be aware of the need for Resilient Habitat. How will you factor this into the EIR? ④ Cumulative impacts must be species by species. Your biological studies must be at the percent time Diver for each species. ⑤ You need to publicize these meetings much better which includes local newspapers. ⑥ How will you accomplish question "4" in the document for the public to read?

NOV 17 Meeting

You may also submit comments by email to cedansc@parks.ca.gov no later than November 30, 2010 (Subject Line: Change in Use).

November 29, 2010

By email ceqans@parks.ca.gov

Environmental Coordinator – Trails PEIR
1 Capitol Mall, Suite 410
Sacramento, CA 95814

Dear Environmental Coordinator,

RE: Trails PEIR

Having attended the public scoping meeting at Lake Perris and reviewed the material for the Change-in-Use Survey and the process chart related thereto, I have the following comments for the Program EIR.

The Change of Use Survey, as written, appears to convey benefits to users who wish to add a new use on trails. As part of any analysis of Alternatives in the PEIR, State Parks and the environmental consultant should prepare three distinct Change- in-Use Survey forms:

1. “No Change-in-Use” to recognize that multiple users, such as hikers and horseback riders, have the clear option to request that Parks maintain an existing trail under its current use status. Environmental benefits accrue to maintenance of compatible natural trail uses including resource protection and public safety.
2. “Change-in-Use for Reduction” to recognize that the consequential loss of resource protection and visitor public safety, are distinct environmental effects which can be remedied by putting a trail on a use diet.
3. “Change-in-Use for Addition” is the current structure of the Change in Use Survey. It allows the request (then puts the Agency on the defensive for not acceding to the request in the face of well organized partisan campaigns pushing for the change).

Given scarce Park resources, likely absence of any meaningful enforcement and the amount of public resources already spent to develop trail modification techniques to reduce the speed of mountain bike use on multi use trails, it is critical to have all three options available as a balanced approach (for example, my reading of the current survey does not consider trails which intercept the trail in question, something that leads to expansion of unpermitted uses into the matrix of the trail system).

With respect to adding mountain bike use, the following unique use impacts should be assessed:

1. Trail tread widening (a practice that may enhance rides, but increases damage and habitat fragmentation).
2. Riding up the up-hill slope to reduce or “shave” bike use speed that results in increases environmental damage to the slope. Armoring the slope makes clear that secondary impacts follow from this practice.
3. Greater penetration into natural habitat and resources of State Parks (SP).

4. Speed differential as compared to other uses. This factor has been repeatedly reported by the public and members of the California Trails Committee as reflected in their publicly available meeting minutes. It is a key safety and resource impact.

Speed also can cause environmental damage because bicycle uses/users often occupy the center of the trail , travel in groups and have difficulty staying on the trail tread when the trail steepness causes high speeds (see #1 and #2 above).

5. Single accident users. Rescue and medical costs should be examined. The public likely bears the cost of the consequences of mountain bike use accidents even though they may be predominantly single user accidents. This should be assessed.
6. Secondary and cumulative impacts from more parking space demand at trail heads to accommodate added uses.

No provision is evident that requires a “before” and “after” assessment. Had this been done on the Tapia Spur trail in Malibu, for example, it would have demonstrated displacement and serious safety issues to other uses arising from added mountain bike use.

In discussing user conflicts, the argument that official reports or scientific data are required to establish the existence of user conflict must be set aside. The environmental preparer should not ignore the written decision of Ninth Circuit Court of Appeals which held, in its finding in favor of the Defendant Babbitt, that:

Individual comment is a very persuasive indicator of "user conflict," for determining the existence of conflicts between humans cannot be numerically calculated or counted; rather, the existence of conflict must be evaluated. *The court can envision no better way to determine the existence of actual past or likely future conflict between two user groups than to hear from members of those groups.* (Bicycle Trails Council of Marin v. Babbitt, 82F. 3d 1445, Court of Appeals, 9th Circuit, 1996) Emphasis added

The Court of Appeals accepted user experience as an indicator of conflict. State Parks is well positioned to follow the Court's opinion.

In closing, the public use of trails should not compromise the nature and character of state park areas; the goal of visitor safety is legitimate. Public safety, resource protection and the avoidance of conflicts are equally legitimate outcomes.

Sincerely,

ORIGINAL SIGNED BY EMILY GABEL

Emily Gabel
440 West Elm Avenue
Burbank, CA 91506

Nov 30 10:08:15p

Donna Williams

91665264.6

p.1

Road and Trail Change in Use

To: Heidi West

In regard to the road and trail change in use plan placed on the table for a solution to our continued two to three decade public conflict and lack of funding for trail maintenance is not the solution. Right up front our choices for solutions have to come to the reality that California is bankrupt. Federal Energy Regulatory Commission states, "The order concluded that conversion of any existing project trails to shared use for the remaining license term is not warranted. To the contrary, maintaining trails within the project for use only by equestrian and hikers offers a unique recreational experience worthy of preservation. In addition, shared use of trails increases safety concerns and users conflicts, and necessitates additional trail maintenance and modifications measures." We do not now, and will not in the foreseeable future have public budgets to pay for trail maintenance, let alone the modifications that will be required for the change of use. The same applies for public funding to provide adequate Ranger patrol for the enforcement of these public recreational trails.

We need to do reality-based budgeting that promotes public involvement, finances, and privatization. We need to look at new solutions to maintain and enhance our recreational trail systems. These solutions should enlist a creative inspiration to engender the general public to be volunteers and stewards of our recreational trails. We need to look at solutions that promote a diverse recreational community that can safely seek the enjoyment of our recreational trails. Consideration of developing separate trails for limited use of mountain bikes and hikers. And separate trail for limited use of equestrians and hikers. This gives each recreational trail individual the incentive and the reason to be a steward of our recreational trails, and insures our diverse recreational community.

There has been and continues to be a need for avenues to be developed to provide separate mountain bike trails and technical parks. Built to their specifications for their trail recreation and stewardship. Promoting these opportunities by reducing the time lines for CEQA and NEPA would be a great incentive.

To view "one size fits all" does not fit our recreational trails environmentally or our diverse recreationalists.

Thank you for your time and consideration,
Donna Williams
Address: 4170 Auburn Folsom Road,
Loomis, California, 95650
Phone: (916) 837-8880
Email: dmwynot@gmail.com

December 8, 2010

Environmental Coordinator – trails PEIR
1 Capitol Mall, Suite 410
Sacramento, CA 95814

Dear Coordinator,

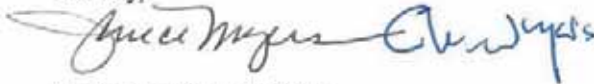
Changing single-use trails to multi-use puts all trail users at real risk. In a perfect world, hikers, bikers and equestrians would have unlimited access to all trails. Realistically, despite the good intentions of most trail users, mountain bikes and horses are an extremely dangerous mix. Allowing them to use the same trails will inevitably result in serious, possibly fatal, accidents.

We enjoy both mountain biking and horseback riding. They simply do not belong on the same trails. We are convinced, and are willing to accept, that limits on where we ride our bikes and our horses are critical to our safety and that of all others. Mountain bikes are relatively swift and silent. Horses, no matter how well trained and experienced, are prey animals whose instinct when startled is to bolt, flee and sort things out later. Placing bikes and horses together, especially on narrow, winding, single-track trails with limited visibility, sharp canyon drop-offs on one side and steep, wooded hills on the other is a recipe for disaster. The danger exists for horse, rider and biker and it is naïve and ignorant to believe it isn't real.

The answer is not to alternate days that bikes and horses are allowed to use trails. While many, probably most, mountain bikers we have encountered on trails, both multi-use and those limited to horses and hikers, are considerate and knowledgeable about trail etiquette, a significant number are not. They ride on trails where they're clearly not allowed. When confronted, they claim to be lost. They ride fast downhill, where stopping in a timely manner is not always possible. They seem unconcerned about the possibility of meeting horses and how those animals will react. They cannot be trusted to respect an alternate day policy and there is no viable means of enforcement.

In order to protect all trail users, bikers and equestrians must accept limitations on their access to trails. It is, after all, not such a sacrifice if it prevents life threatening encounters.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janice and Christopher Myers".

Janice and Christopher Myers
5620 Reservoir Ct.
Georgetown, CA 95634

December 22, 2010

Environmental Coordinator – Trails PEIR

Via email

To: ceqansc@parks.ca.gov

Thank you for this opportunity to submit comments on scoping for the *Roads and Trails Change In Use Programmatic Environmental Impact Report*. My name is Cathy Haagen-Smit. I am a mountain biker, hiker and trails advocate who has hiked, ridden and volunteered on trails for over 20 years. I co-founded the local nonprofit, the Folsom Auburn Trails Riders Action Coalition [FATRAC] which has dedicated 1000s of hours on trails such as the popular Foresthill Divide Loop Trail in the Auburn State Recreation Area and the Granite Bay Trail in the Folsom Lake SRA. FATRAC has been instrumental in bringing to the region experts on trail design, maintenance and management from the Subaru Trail Care Crew program of the International Mountain Bicycling Association [IMBA]. I am on the board of the California Trails & Greenways Foundation, reviewing small grant applications for a variety of multiple use trail projects that demonstrate good trail stewardship and collaboration. In attending the California Trails & Greenways Conference for the past 15 years, I have helped present Trails Sharing workshops and participated on a panel discussing conflict resolution. I am a member of the California Recreational Trails Committee, but am submitting this letter as an individual, not representing the CRTC. I am submitting the following comments as an individual with a long history of trail use, advocacy and stewardship. Thank you for considering them as part of scoping.

First, I would like to express support for this Programmatic EIR process. It recognizes a true need for a new way of getting things done on the ground at various park units in a standardized way and balances public input with staff expertise.

EXECUTIVE SUMMARY AND INTRODUCTION.

Adequately describing the purpose and goals in the *Executive Summary* and *Introduction* will help the public and staff understand the document. People who read/use the PEIR may accept this process if they are educated early in the document about why this is a relevant process. Explain why the CEQA's provision for using a Programmatic EIR fits; that first tier EIRs are supported by CEQA guidelines where a series of actions maybe related to each other either geographically or *as parts of a continuing program*. It also acknowledges that site-specific environmental review may be required for individual projects. Explain that this process is not meant solely to open each and every trail to mountain bikes. A good introduction may allay fears of worried citizens that projects won't be thoroughly reviewed.

In addition to explaining the value of the process itself, the document might explain how this would result in enhancing the trails system, and would address environmental problems based on science, provide managers with a toolbox of mitigation measures, provide for useful checklists, and allow for the potential for mitigated negative declarations or less costly environmental review if possible. The trails programs and measures would be best practices, science-based, standardized and practical. This helps the goals of the California Recreational Trails Plan and resulting progress can be reported to the Legislature and Governor.

The introduction should recognize that there are inequities in the number of miles of trails allocated to the various user groups; that the Department is seeking a balance in addressing demands and needs. It should be noted that equestrians, hikers as well as mountain bikers are all legitimate users of the trails in our amazing State Park system. I hope that the PEIR provides that many of the environmental impacts of making trail adjustments can be addressed satisfactorily by using this first level

environmental compliance document.

The introduction could also discuss trail conflicts. Although trail conflict is a social, not environmental impact, this CEQA document can take time to acknowledge that trail conflicts exist, either real or perceived, and can be felt in a number of ways, and vary from person to person. University and other research is available on this topic and solutions and management tools do exist. State trails conferences and National Symposiums have sessions on this topic and there are websites, like www.americantrails.org, which contain bibliographies of useful tools.

The PEIR's potential for avoiding waste of precious resources, assisting superintendents by providing standardized training, and for creating solid environmental compliance should be stressed.

ALTERNATIVES.

Please seek a Preferred Alternative that strikes a balance between user demands, environmental protection, mitigation and allocation of park resources. The scope of the alternatives might consider:

- Evaluating the ratio of miles of trails to the size of the user group. For example, crowding of one large user group on a small number of trails may lead to higher impacts. Dispersing use may relieve some of these impacts.
- Defining a trail so that the desired experience is provided. For example, agree that a fire road is not a trail (but can link single track experiences together) and that a narrow trail may have fewer environmental consequences than a larger road.
- Inventorying trail systems so that park units can identify environmental degradation, barriers, gaps in demands, and implement remedies.

POTENTIAL IMPACTS.

The PEIR could acknowledge that certain social conflict exists, but much of it can be considered, addressed, solved, or mitigated by using various management tools. The PEIR should also acknowledge that each user group has environmental impacts and understand the science of environmental damage to trails by each group. Measures for safety can be included in the environmental mitigation. I urge you to find the available research papers, bibliographies, conference session papers and books dealing with this topic. (For example: www.americantrails.org; www.railstotrails.org.)

The PEIR should have an exhaustive list of these measures available to be put into use. Being able to use mitigated negative declarations rather than EIRs could have the positive result allowing a park unit to efficiently address impacts. Acknowledge that many of the impacts, including social, recur from park unit to park unit and agree that standardizing a response to many of the impacts makes sense. Thank you for a PEIR that provides the framework for checklists, solutions, and measures that is so complete it can be the go-to document for compliance.

POTENTIAL MITIGATION MEASURES.

I believe other comment letters may have provided long lists of great mitigation measures so I will not add my own similar ones. I urge researching various websites as well as session papers from state and national trails conferences. I hope the lists you find to add to the PEIR include: encouraging trail stewardship, collaboration and volunteerism, encouraging connections with communities, training rangers, and pursuing California Recreational Trail Plan goals.

RANGE OF ACTIONS/ASSESSMENT.

Ideas might include:

- Evaluate existing trail conditions and prescribe remedial work to increase sustainability and reduce impacts caused by erosion and sedimentation. Seek sustainability in trail re-routes and design.
- Address inequities in miles and ratio of trails to user groups which may, in turn, increase multiple use, or change an existing use. Seek an adequate number of miles for a user group, especially in park units that crowd one user group onto a small number of trails. Recognize that some volunteer trails get built because needs have not been addressed or allocation of trails in a park unit is lopsided. Denying access does not address the problem.
- Seek the least wasteful, most cost-effective, but environmentally responsible level of environmental compliance as possible. Create appropriate checklists, solutions and measures within the PEIR, which result in opportunities for using less costly, more efficient environmental review or use of Mitigated Negative Declarations.
- Rotate trail use between different user types to solve some environmental impacts.
- Determine best practices and implement the most effective management measures.
- Re-route non-sustainable, especially fall-line trails. Seek better alignments, sight lines, and flow.
- Identify road-to-trail conversions that can serve to meet trail user demands and improve environmental conditions of a park unit.
- Apply multiple-use applications where appropriate as a goal, rather than fragmented and hard to enforce single-use, especially when protecting habitat and preserving resources.
- Show that a project decision meets California Trails Plan goals.
- Determine that a project is consistent with other plans, including adjacent county and other local trail plans that may have connecting trails.

CONCLUSION.

The repetitive nature of many of the requests, demands, complaints and decisions placed upon the State Parks trails program cries out for this type of process. It is wise allocation of resources to respond to the demands by using a balanced, standardized, useful management process that can be implemented statewide. Site-specific work, where needed, is contemplated by the process. This is a continuing program, the type contemplated by this CEQA provision. Thank you for pursuing it. If you have any questions, especially regarding studies and research, let me know. Thank you.

Sincerely,

Cathy Haagen-Smit

Road and Trail Change-in-Use Program

CALIFORNIA STATE PARKS

PEIR Comments of Bud Hoekstra

Trails and hike-able roads represent a unique university of experiences for each user, and because uses differ hugely from user to user, trails are traditionally marketed to park-goers by mere geographic location only. The result is that trails (hence parks) are undermarketed to and under-used by visitors.

To clarify my meaning, I give an example [I am preparing a foundation for comments that I will make later in this paper.] Calaveras County's Big Trees State Park offers a number of "destination" trails that take a visitor from a parking area to the groves of the majestic redwoods. One of these destination trails through the redwoods is a loop trail. Big Trees State Park also has a loop trail that consists partly of footpaths and partly of two-track, and exits the park, I believe, onto private land and the dirt road re-enters the park such that a visitor can hike ten miles on a continuous loop and enjoy the rugged exercise and mixed natural sceneries. This loop trail is not showcased in the park's repertory of trails, though veteran hikers see it jump out at them on the map and hike it. Likewise, Mark Twain Hospital's Foundation held a walk-run on one of the park's "destination" loop trails that swings hikers through the redwood groves. The purpose was not destination but health, and running and walking are two different activities. Hiking trails do not always make suitable running trails, because, when a hiking trail edges out on a scenic outcrop, runners could lose their footing and fall off or a needle-point jog to a vista could be missed, with the runner slipping off the sudden precipice.

I want to conjure up my imagination for a clearer picture of what I'm getting at. A park can have a hiking trail from the parking lot to Logger Camp, a destination trail. It's 5 miles to Logger Camp and 5 miles back on the same trail, a 10-mile destination trail. By same token, a visitor could hike 5 miles to Logger Camp, take a 3-mile trail to another parking lot and walk back two miles to the original parking lot by the road, making a 10-mile loop trail to hike. A destination trail and a loop trail are one and the same footpath, put to a different use. If one classifies the trail by geographic location, there is only one trail – however, if one classifies or markets the trail to visitors by use, there are two uses, loop and destination, seemingly making two trails.

One more step: The same visitor tramps to Logger Camp and then takes a one-mile spur trail to Logger Lake, because the birding is good at Logger Lake. Just imagine it for purpose of illustration. Now the same trail serves as a 12-mile roundtrip "destination-birding" trail. Or maybe the entire trail is good for bird-watching. Meanwhile, the birder with his binoculars encounters an ultra-runner on the same trail. The ultra-runner, running with his "pacer" at night, began at an overlook outside the park and in the national forest, ran all night long, emerged and ran the morning to Logger Lake. She or he skirts Logger Lake, dashes to Logger Camp and out to complete the 93-mile run. The same trail, classified by use, is hike, scenery, wildlife and running. Traditionally, park managers refer to this development as

“multiple-use” but the term applied belies the fact that each user has a different route and different recreation in mind.

Maps tend to have surface structure, the actual physical location of the trail on paper, but the deep structure, often affecting maintenance and change-of-use, dictates the multi-use, how one trail figures into multiple routes that reflect different uses.

Use dictates how a trail tread is maintained. Hiking trails can have needle-point or blind turns, and these blind turns are a dangerous mix with mountain bikers who sprint out of nowhere. And equestrians passing through on a horse trail may have their sentinel dog with them. Sadly, state parks ban companion animals, even on a leash, on all trails. A good change-in-use opportunity would be to designate one trail per park that is a leash-only trail for dog-owners. Human traffic is so heavy on some trails that a companion animal makes no dent in wildlife dynamics.

It is also useful to recognize seasonal use and off-season use of trails. Outside state parks, a recreation trail may be frequented by hunters in the fall, and hunting can be incompatible with running, unless the runner doesn't mind an occasional barrel pointed at him, before the hunter realizes the noise is a runner. Hiking trails that alternate as ski trails in the winter months require a different tread and layout design.

A good trail system management plan has a map of the trail's fixed location and then overlays that highlight various trail uses. Trail A, for sake of illustration, may take the birder half-way to Logger Lake but may take the climber half-way to Logger Peak where the vertical pitches are and may take a clique of cavers all the way to their spelunking destination at Logger Camp. Physical location, a map, tells users next to nothing about the trail, the conditions of travel and the popular uses.

One of the functions of trails is transportation, to move a hiker from location X to location Y. Roads join point A with point B. A more important function of the trail, or road, is to concentrate the environmental impacts. A well-trod path through a pasture and marsh preserves the *Darlingtonia* and orchids from being trampled. A well-designed trail keeps people from straying off the tread into environmentally sensitive areas. This “use” of the trail, though often hidden in the trail's design, is a consideration in change-in-use program.

Sometimes trails and roads need closing or changing for environmental preservation. The root rot attacking Port Orford cedar was vectored by foot wear of thru hikers and by wheels of OHV's. Just to recognize a curious bit of history, broad-leaved plantain, brought to America from Europe, was named “whiteman's foot print” by native Americans, because the weed prefers compacted soil and grows on footpaths. Christiansen-Lambert Dune Preserve saw its first plantain in the dirt parking lot. Mt Airy Forest saw two solid tracks of plantain spring up where trespass vehicles went around restricted gate. Recently in the news, contractors widening a road in Gold Gate Park exposed a rare *Manzanita* species thought to be extinct in the wild. The Tamiami Trail (auto) in Florida was once discovered to be a death trap for the endangered Florida panther.

There are times and situations when one use is in conflict with another, or when a trail designed to concentrate human impacts on the environment scatters or magnifies those impacts. The circumstances necessitate a change-in-use to protect users, rare species or the environment.

Few people have heard of the term "swale" because it relates to the hydrology of a landscape. A swale or wet meadow has an underlying geology of rock such that the underlying water table is forced to the surface. Sometimes such geology creates an artesian spring or, typically in Florida, an entire river gushes from a cave – see Blue Springs State Park in Florida where the Manatee swim. In Cranberry Glade, West Virginia, the water table is trapped in a geologically flat-bottomed bowl that creates a bog and the bog's associated plant life. In the foothills, swales are common; both trails and roads are often designed without forethought of the consequences. The Army Corps of Engineers at Hogan Lake thoughtlessly paved a road to Coyote Point through a swale. The seasonal swale saw the water table rise in the spring and a wet meadow formed, making the road bed unstable. The Army Corps shored it up with culverts, but the road bed was ~~not~~ ^{can't}, and a wet meadow can't be drained in that manner. Next the Army Corps added horticultural textiles to road bed to strengthen it. Finally, failure after failure, the Corps resorted to trenching two trenches, meeting in a V at the culvert, which drained the direct flow surfacing in the wet meadow. Not all meadows are seasonal swales. Flood plain meadows, grazed meadows, "prairie" meadows co-exist. Few people realize that fire maintains prairies like Lynx Prairie in the Midwest, a relic pocket of prairie when the prairie west of the Mississippi River moved eastward to the Allegany Mountains in the East. Without fire, trees invade Lynx prairie and destroy the relic biology of prairie plants. Likewise, swales are tree-less, not unlike the Everglades river-of-grass. But the water table, like fire in a prairie, keeps trees from taking root and growing.

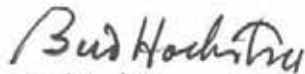
The Army Corps at Hogan Lake could have moved the road to Coyote Point a 100 yards away through the Manzanita and bypassed the swale altogether, but their engineers didn't recognize the geology that caused the swale. At the Flower Farm in Amador County, the road intersected a swale and the road bed became mush in the spring. The Flower Farm moved the road and converted the swale into a lake. Trails often transect seasonal swales, and users hop out of the muddy tread and make a parallel tread beside the original. Some meadows exhibit four or five parallel trails within two feet of each other. In national forests where grazing is allowed [cow paths make excellent footpaths], hoofs dig deeper and deeper in a path transecting a meadow until the depth intersects the flow of subsurface moisture and drains the flow. At crucial times in the spring, grass above the path is green where the water table survives, and below, where the path drains the table, the grass parches brown early. Park crews making trails often come upon meadows in the foothills surrounded by Manzanita and occasional bull pine or oak trees. The impulse is to save money and cut the trail through the meadow, not realizing that the meadow is a seasonal swale and the tread will be mucky in late winter and spring, that the trail will drain the table that makes the meadow and eventually change the landscape by changing the surface hydrology.

The trail-keeper who encounters a wet meadow trail often thinks – "this trail is wet in the spring, can't have horses! Can't be mountain biked!" A change-in-use masquerades as a management fix to a needed redesign and change-of-location.

The 4 September 2010 NEW SCIENTIST breaks the story about Tanzania's plan to wedge a commercial road in the North of Serengeti National Park, interfering with the migratory route of 2 million wildebeest and zebra. The road, it is believed, will cut wildebeest off from dry-season watering holes and result in as much as ¼'s population loss. Equally risky is the road's pathway for livestock diseases that could dwindle the wildebeest population that predator populations depend on.

The change-in-use program at state parks must consider what impacts a change-in-use may cause on wildlife and other resources. That's an obvious consideration. Technically, cow birds, once associated with buffalo herds of North America, parasitize the nests of warblers in the forest. Generally, cow birds like an open area and invade a forest regime only within fifty feet of the open corridor. A foot path or narrow bike path through a forest preserves the warblers for bird-watching. Widening the foot path to accommodate OHV'ers, for example, creates an open corridor that fosters cow birds and depresses the song bird population. The change in use from shaded forest trail to open corridor results in penetration of the forest by cow birds and the loss of song birds whose nests are parasitized. One small change in use has enormous consequences for the landscape.

These comments are meant to generate a well-rounded discussion of a change-in-use program.



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